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No. 84-1539

Office - Supreme Court, U.S.  
FILED

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ALEXANDER L. STEVAS,  
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In The  
**Supreme Court of the United States**  
October Term, 1984

— o —  
STATE OF MICHIGAN,

*Petitioner,*

v.

RUDY BLADEL,

*Respondent.*

— o —  
**JOINT APPENDIX**  
— o —

BRIAN E. THIEDE (P32796)  
Chief Appellate Attorney  
Jackson County  
Prosecutor's Office  
312 S. Jackson St.  
Room 300  
Jackson, Michigan 49201  
(517) 788-4274

RONALD J. BRETZ (P26532)  
Assistant Defender  
State Appellate  
Defender Office  
720 Plaza Center  
125 W. Michigan Avenue  
Lansing, Michigan 48913  
(517) 373-2463

**PETITION FOR CERTIORARI FILED March 28, 1985**  
**CERTIORARI GRANTED May 28, 1985**

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DOCKET ENTRIES  
CIRCUIT COURT

THE PEOPLE OF THE STATE OF MICHIGAN  
VS.  
RUDY BLADEL

79300162FY  
Criminal Case  
No. 79017105FY

Judge: Russell E. Noble 18317  
Prosecuting Attorney: Edward J. Grant 14272  
Defendants Attorney: Adams, Goler & Williams 10042  
Offense: Ct. I, II, III Open Charge of Murder  
767.71 & 750.316 & 750.317

DATE PROCEEDINGS

March 26, 1979 Attorney Appointment filed and entered  
July 3, 1979 Motion to Suppress or in alternative for  
a Walker Hearing

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STATE OF MICHIGAN  
IN THE 13TH DISTRICT COURT  
FOR THE CITY OF JACKSON

PEOPLE OF THE STATE OF MICHIGAN

VS.

File 79300162FY

RUDY BLADEL,

*Defendant*

**ARRAIGNMENT**

BEFORE THE HONORABLE ROBERT CRARY, JR.  
DISTRICT JUDGE

Jackson, Michigan — March 23, 1979

APPEARANCES:

Edward Grant, Prosecuting Attorney  
On behalf of the People

Florence Bray R0531

Official Court Recorder

Jackson, Michigan

March 23, 1979 — at about 10:35 a.m.

(Court, counsel for the People, and all parties present)

THE COURT: At this time the Court is considering file number 79300162FY. Entitled the People vs. Rudy Bladel. That is B-l-a-d-e-l. Is that correct?

DEFENDANT: Bladel.

THE COURT: Bladel. Are you Rudy Bladel?

DEFENDANT: Yes sir.

THE COURT: May I have your date of birth please?

DEFENDANT: December 8th, 1932.

THE COURT: Thank you, sir. Mr. Bladel, I have the complaint of Detective Gerald Rand, that on or about the 31st day of December, 1978 at the city of Jackson, county of Jackson, and state of Michigan, one Rudy Bladel, did murder Charles Burton. Contrary to Michigan Statutes Annotated, Sections 28.1011, 28.548, and 28.549.

And further complaining that on or about the 31st day of December, 1978, at the city of Jackson, county of Jackson, and state of Michigan, one Rudy Bladel, did murder William Gulak. Contrary to Michigan Statutes Annotated, Section 28.1011, 28.548, and 28.549.

And further complaining that on or about the 31st day of December, 1978, at the city of Jackson, county of Jackson, and state of Michigan, one Rudy Bladel, did murder Robert Blake. Contrary to Michigan Statutes Annotated, Section 28.1011, 28.548, and 28.549. And all being contrary

to the form of the statute in such cases made and provided.

Now, Mr. Bladel, this charges you with three counts, each count of which is an open count of murder. Each count is therefore, a charge of a felony which is too serious a charge to be finally tried or disposed of by this court. This court can only hold a preliminary hearing, called a preliminary examination. At such examination, it will be the duty of the People of the state of Michigan, acting through the prosecuting attorney of this county, to bring before this court competent evidence to show, first, as to count one, that someone murdered Charles Burton, and secondly, that there is probably cause to believe that you are the one that did so. As to count two, first, that somebody did murder William Gulak, and secondly, that there is probable cause to believe that you were the one that did so. As to count three, first, that somebody did murder Robert Blake, and secondly, that there is probable cause to believe that you were the one that did so.

Now, if as to any count, both of these elements should be properly proved, then on that count, you would be bound over by this court to the circuit court of this county for trial. On the other hand, if as to any count, both of these elements should not be properly proved, then that count would be dismissed by this court. Under no circumstances could you be convicted here, because this court is only trying to determine whether a trial ought to be held.

Now, because these are very serious charges which are brought against you, you have a right to be represented by an attorney, at all stages of the proceedings, including the preliminary examination I just mentioned. If you can afford an attorney, you would be very wise to retain one. If



you cannot afford an attorney, then you may petition the circuit judge of this county for the appointment of an attorney to represent you at public expense. Now my first question to you is this. Do you intend to retain your own attorney?

DEFENDANT: I don't have the money.

THE COURT: Do you wish to have one appointed for you?

DEFENDANT: Yes sir.

THE COURT: All right sir. I'll place an affidavit in the file for you to make out for that purpose. Until you have a chance to talk with an attorney, the court would strongly recommend that you stand mute. That means say nothing. If you do this, the court will enter a plea of not guilty for you and set the matter for preliminary examination. Is that what you wish to do?

DEFENDANT: Right sir.

THE COURT: You're indicating yes. The record will show the defendant stands mute, a plea of not guilty is entered. Examination on the matter — I note the appearance of Mr. Edward Grant, our prosecuting attorney for Jackson County. Mr. Grant, you are of course aware that we need to set this within a 12 day period. The court notes 12 days from today to be the 4th of April. So I could set this for preliminary examination, as the court understands the law, for either 2nd or 3rd. I'll start with you. Does it make any difference to you, Mr. Grant, when I set this?

MR. GRANT: I'd prefer to have the 3rd Judge, if that is satisfactory.

THE COURT: All right, does it make any difference to the defendant?

DEFENDANT: No, your honor.

THE COURT: All right, April 3rd appears to the court to be within the time period set by statutes, and it appears to be a suitable time for this court. I will set this matter for examination on April 3rd, 1979, at 8:45. And now, the Court believes that this being open charges, that under the statute, I'm not able to set bond in this matter, but must remand because of the gravity of the charge made. Do you concur, Mr. Grant?

MR. GRANT: Yes, your honor. And we would ask that no bond be set in this matter.

THE COURT: I see. Mr. Bladel, I'm not trying to ignore you. You may be heard on this matter in regard to setting bond.

DEFENDANT: I have no money anyway, so it doesn't make any difference.

THE COURT: I see. Well, because of the charge, is the charge of murder, and under the normal interpretation of the statutes of Michigan, that is not a bondable offense, I at this time remand without bond.

MR. GRANT: Thank you.

THE COURT: All right, is there anything more that you wish me to pursue at this time, Mr. Grant?

MR. GRANT: I don't believe so, your honor.

THE COURT: Mr. Bladel, is there anything further you wish me to pursue?

DEFENDANT: No sir.

THE COURT: Very well. The affidavit has been placed in the file, and Officer, I see no reason why the defendant may not make that out, if he wishes, at the jail, and it may be sworn to by any suitable officer.

(The court recessed about 10:35 a.m.)

STATE OF MICHIGAN)

) ss

CITY OF JACKSON )

I, Nancy Gass, Official Court Recorder for the 13th District Court, State of Michigan, do hereby certify that the foregoing pages comprise a full, true and correct transcript of the proceedings recorded by Florence Bray, Official Court Recorder, in the case of People vs. Rudy Bladel, file 79300162FY on March 23, 1979.

/s/ NANCY GASS

Official Court Recorder

April 9, 1979

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**WALKER HEARING**

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR  
THE COUNTY OF JACKSON**

THE PEOPLE OF THE STATE OF MICHIGAN

v

No. 79-017105-FY

RUDY BLADEL,

*Defendant.*

Had before the HONORABLE RUSSELL E. NOBLE,  
On July 5, 1979.

**APPEARANCES:**

MR. EDWARD GRANT

*Prosecuting Attorney*

On Behalf of the People

MR. DOUGLAS L. WILLIAMS

On Behalf of the Defendant

Barbara A. Bostrom, CSr-0183

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**EXHIBITS**

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July 5, 1979 — 9:30 A.M.

Jackson, Michigan

**PROCEEDINGS**

[2]

MR. GRANT: I guess, the next matter before the Court is in the Walker Hearing in the same file, People versus Rudy Bladel.

If it please the Court, we will call as our first witness, Gerald Rand.

**GERALD RAND**

Being first duly sworn in by the Clerk, was examined and testified under oath as follows:

**DIRECT EXAMINATION****BY EDWARD GRANT**

Q. Would you state your full name, sir, and spell your last name for the Record, please?

A. Gerald Francis Rand, R-A-N-D.

Q. And you are presently employed, sir?

A. Yes, I am.

Q. Where are you employed at the present time?

A. City of Jackson Police Department.

Q. And what is your capacity of employment, presently?

A. I am a Detective.

Q. How long have you been employed, overall, with the City of Jackson as a police officer and a detective?



A. Nine and half years as a police officer and two and a half [3] years as a detective.

Q. And were you employed in that capacity as a detective on last New Years Eve, being December 31, 1978?

A. Yes.

Q. And did you then, within the scope of your duties come to investigate a triple homicide that took place at the train depo in the City of Jackson?

A. Yes, I did.

Q. And were you the chief investigating officer in that matter?

A. Yes.

Q. Is there anybody in the Courtroom that you came in contact with as a result of the investigation in the triple homicide at the railroad station on New Years Eve last?

A. Yes, there is.

Q. Who would that be?

A. Mr. Rudy Bladel.

Q. Where is he seated?

A. He is seated next to Mr. Williams at the counsel table.

Q. What is he wearing so we know exactly who you are identifying?

A. Blue coveralls.

Q. Okay, may the Record reflect the witness has recognized the defendant?

THE COURT: It may so reflect.

Q. (BY EDWARD GRANT:) When did you first come in contact with Mr. Bladel, through the investigation of the homicide at the [4] railroad station?

A. It would be approximately 9:30 A.M. on January 1, 1979.

Q. Where was it that you came into contact with him first?

A. At the Jackson Police Department.

Q. What, if anything, did you do with Mr. Bladel at your first contact with him on January 1st?

A. Mr. Bladel was brought to the station prior to my arrival at the station, but once it was determined that he was in fact the person that we were seeking, he was taken to the breathalyzer room, which is located within the cell block and booking area of the Jackson Police Department, at which time he was advised of his rights. Our Department Form A, which outlines waiver of miranda.

(WHEREUPON, THE COURT REPORTER MARKED PROPOSED PEOPLE'S EXHIBIT NO. 1.)

Q. (BY EDWARD GRANT) Detective Rand, I show you what has been marked by the Court Reporter as People's proposed exhibit no. 1, with today's date, July 5, 1979, with a red stamped inked impression on the back. Would you examine People's proposed exhibit no. 1 and I will ask you some questions concerning the same. Have you had an opportunity to examine People's proposed exhibit no. 1?

A. Yes, sir.

Q. And do you recognize this as being one and the same form that [5] you came into contact with while you were talking with Mr. Bladel on the 1st of January, 1979?

A. Yes, I do.

Q. And how can you recognize it and identify it as being one and the same?

A. It's marked, incident no. 78-035861, dated 1-1-79 and has the time of ten thirty-nine hours, or 10:30 A.M. as a starting time for the interview and ten fifty hours as the ending time and signed by me.

Q. Okay, you recognize your own handwriting, is that correct?

A. Yes.

Q. And the items you mentioned, those were affixed to that document by yourself on the date in question, is that correct?

A. Yes.

Q. Okay. Now, what if anything, did you do with Mr. Bladel and with People's proposed exhibit no. 1, as far as informing him of what is commonly known as his miranda rights?

A. He was advised of each individual right and was asked for acknowledgement of understanding after each one.

Q. Did you give him anything to follow along with or did he have anything he could look at?

A. Yes, he was given a duplicate copy.

Q. And what, if anything, did you do as far as verbally informing him of anything, if you did anything at all, along those lines?

A. You mean go through the rights?

[6]

Q. Did you read the rights to him?

A. Yes, I did.

Q. All right. Would you read for the Court today exactly what or how you went about informing Mr. Bladel on January 1st what his rights were according to that form?

A. The Form read, verbatim from the form which states, "statement of rights. Before you answer any questions or make any statement you must fully understand your rights." The first one, "You have a right to remain silent." After reading it, he was asked if he understood that and he acknowledged that he did.

Q. Okay.

A. The second one, "Anything you say can and will be used against you in a Court of Law." Again, the acknowledgement of understanding and it was given.

Q. After each question you asked him if he understood?

A. Yes.

Q. And he acknowledged in the affirmative?

A. Yes.

Q. Did he actually say 'yes,' did he shake his head, or do you recall.



A. He just shook his head and said, "Right."

Q. And he was following along on the other sheet you provided to him?

A. Yes.

[7]

Q. Proceed please.

A. The third one, "You have a right to consult a lawyer before you answer any questions." And, again, the acknowledgement of understanding. The fourth one, "If you can't afford a lawyer, one will be appointed for you before questioning or anytime during the questioning and if you so desire, you may stop and one will be appointed for you." Again, the acknowledgement of understanding. The fifth one, "If you answer questions or make any statement without consulting a lawyer or have a lawyer present you have the absolute right to stop at any time you wish and to make no further statement until you consult with a lawyer or have a lawyer present during the questioning."

Q. Did he indicate to you he understood that?

A. That's correct.

And he was asked if he had any questions and he was asked if he fully understood these rights and he stated that, "he did." He was then read the acknowledgement and waiver. "The above statements and rights have been read and explained to me and I have had an opportunity to ask questions concerning any rights and now fully understand what my rights are." And, I stopped at that point and advised him that was the part we just went over,

and where he had an opportunity to ask questions and also that he understood his rights and then we went on and continued. "I wish to answer questions and make a statement without first consulting a lawyer and without having a [8] lawyer present during questioning and waive my rights at this time." And, "I wish to state no promises or threats have been made to me or against me or any others." And, I simplify that portion by stating if he wishes to talk to me without a lawyer present at that time, and I haven't made any promises or threats to him or any one else to get him to answer questions, and he acknowledged the waiver, but didn't sign the form.

Q. You say he acknowledged the waiver? What was it that he said to you?

A. That he understood the last portion.

Q. Did you ask him that? If he would sign the acknowledgement and waiver?

A. I don't recall that.

Q. But, he did not sign it at any rate?

A. No.

Q. But, you do recall him making an oral expression to you that he would waive and speak with you?

A. No, he never — he just — he was just silent on the issue.

Q. Okay, and did you in fact then have some conversation with him?

A. Yes, I did.

Q. Okay, I am going to show you People's proposed exhibit no. 1 to defense counsel, Your Honor, and we ask that that be entered as People's exhibit no. 1 for the Walker Hearing.

[9]

MR. WILLIAMS: No objection.

THE COURT: There being no objection, People's exhibit 1 is admitted.

MR. GRANT: Thank you.

Q. (BY EDWARD GRANT) Would you relate to the Court, then the nature of the conversation, if any, that you had with Mr. Bladel at that time, on January 1st, 1979?

A. He was questioned as to his means of arriving in Jackson and he stated that he came by bus and he was asked by what bus and he stated the Greyhound bus and he was asked how long he had been in town and he advised two or three days. I asked him to be more specific and he says, "two or three days, I am not sure." He was asked where he had stayed and he advised that he stayed at the Adams Hotel and he was questioned as to his whereabouts on the night of the shootings and he stated that, "You know, he was just in his room." He was asked if he was at the depo and he stated, "No," and he was asked if he had in fact shot the three people at the depo and he denied knowledge of that. At which point, he told me that I wasn't telling him anything and wasn't making sense and I informed him that he wasn't saying too much to me either. At which time, he said, "He knew that, and didn't plan on saying anymore," so the interview terminated at that point.

Q. Okay, did you have a contact with Mr. Bladel after the conversation that you related for us on January 1st, 1979?

[10]

A. Yes, in the afternoon of January 2nd, 1979.

Q. All right, and where did that contact take place?

A. That also took place in the breathalyzer room at the Jackson Police Department.

Q. And who was present at that time?

A. There was Mr. Bladel and this investigator and yourself.

Q. Did you do anything as far as advising of rights of Mr. Bladel at that time prior to asking him anything?

A. He was further advised of his rights as I stated previously and no form was prepared at that time.

Q. You did advise him orally of the same rights that you read from the form a little while ago, is that correct?

A. Yes, I did.

Q. And, did he acknowledge that he understood his rights at that time?

A. Yes, he did.

Q. And did he indicate to you in any way that he would go ahead and speak with you?

A. Yes, he did.

Q. Okay, and what, if any, conversation did you have with Mr. Bladel and myself at that time?

A. Okay, in that particular interview he was again talked to about the night of the shootings and was asked if he was in the area of the train depo and initially he stated he had gone to the Jackson Coney Island for a meal and that was the closest [11] he had gotten to the depo. Later in the interview he was asked if his finger prints would be found in that room for any purpose and he stated, "no," but then he said, "On second thought that he had gone there and after leaving the Coney Island, and that he had to use the bathroom and he knows that the training room in the depo, knows the location of them, as all the depots he is familiar with have the locker room and bathroom facility," so this was the reason he went there. And, he was asked why he didn't use the bathroom at the Coney Island. He says, "He didn't know they had one there." We asked him as far as the shooting themselves and he denied shooting anybody. We asked him in regard to the weapon, if he had in fact placed the weapon in the suitcase that he was carrying that night, and his reply was, "Weapon, you got a weapon?"

Q. And, did you have a weapon at that time?

A. No, we did not.

Q. Okay, and did you mention that to him?

A. That's correct.

Q. And was there any further conversation then about him either being in that training room on other occasions or having any contact with the three deceased?

A. He was further asked as far as the training room, if he had been in there on the day of the shootings and he

did state at that time that he had gone back on the Sunday or the day [12] of the shootings, the 31st of December to use the bathroom again. He was again asked about the shootings and he denied the fact that he had shot anybody. He was then told by me that one of the victims, which being Mr. Burton, that he had been left with a widow and 4 small children at home and his statement was, "that they didn't think about that when they took our jobs" and we questioned him further and at which time, he was asked the question: how long this was going to go on, and he stated that, "It would go on as long as it took." He was asked why he was in town and he stated, "He was here looking for a job," and he was questioned as to the looking for a job on a Holiday week-end and he stated that he had planned on staying until January 2nd.

However, he had already seen a news article in the Jackson paper on News (sic) Year morning, being January 1st and saw his name and was being sought in the connection with the shootings, so he felt that he better leave town at that point. As far as the work that he was seeking we asked him if he had put any applications in and he stated, "No," and we asked him if he knew of any place he intended on applying for a job and he stated, "no, that he would use the newspaper to find a place."

Q. Did you have any discussion with him or conversation with him as to possible motives for these three people that had been shot to death?

[13]

A. Yes, it was discussed as to his . . . well our knowing about him or finding out about him and the reason that he was a suspect and that he had had prior problems



with the railroad and in which time he advised us of the union and management of the railroad giving their jobs away in Elkhart and he was asked to . . . we were discussing the railroad situation and he had updated us as to the contract that existed down there in 1959 and that 40% of the jobs in Elkhart were given away to Michigan trainmen and I believe he called it 40% equity of the jobs in the Elkhart yards as they closed the Niles yard in 1959 and in discussing that with him he seemed to be hostile toward the Michigan trainmen because they had come into the Elkhart area and absorbed a lot of the jobs in the Elkhart yards. And, further he advised that I believe in 1968 that the equity increased from 40% to 48% of the jobs, so there was further jobs loss (sic) in Elkhart for the Indiana trainmen.

Q. Did he have any conversation with you or did you ask him any questions about how that had affected his job?

A. I did, and I have difficulty recalling. It seems that Mr. Bladel advised that he was a fireman because he was in a area where he was doing some engineering also and it caused him not to be able to engineer because they had brought engineers in from Niles.

Q. He mentioned to you that he had lost his job because of this [14] agreement?

A. No, because of the agreement he didn't lose his job, but he went from a continual employment situation to where he was not getting the opportunity to work as often.

Q. Was there any conversation as you recall that Mr. Bladel mentioned to you that he had been in the ticket office in the depo also on New Years Eve, around 6:30 or a quarter to 7:00?

A. He was asked if he was in the passenger portion of the depo and I don't recall him stating a time, but he indicated that a conductor on a train that was pulling out of the depo had lost his hat and he had picked up his hat and walked to the passenger area and not seeing anybody around he set the hat down, hoping that the conductor would find his hat on the way back through.

Q. And did he indicate to you where he was when he noticed the conductor's hat blow off the conductor's head?

A. He was on the walkway. I believe he stated he was just leaving the training room after one of his restroom stops.

Q. Was there any further conversation then on that date, being January 2nd, that you can recall that you have not testified to?

A. Not that I can recall at this time.

Q. Okay, and how was that interview then terminated, did Mr. Bladel say he wished not to talk any further or how do you recall that being terminated?

A. No, it seems Mr. Bladel indicated that he had to use the rest-[15]room and at that point I had no further questions for him and it was terminated, I believe by myself.

Q. Okay—he answered all of the questions that you put to him on that date, did he not?

A. Yes.

Q. He didn't ask for an attorney at any time did he?

A. No.

Q. Nor on January 1st?

A. No.

Q. Did there come any time after January 2nd that you came into contact again with Mr. Badel and had some conversation with him?

A. Yes, I did. It was after his arrest.

Q. Would that be March 22, 1979?

A. Yes, it would have been.

Q. Okay. Could I have this marked as People proposed exhibit no. 2?

(WHEREUPON, THE COURT REPORTER MARKED PEOPLE'S PROPOSED EXHIBIT NO. 2.)

(BY EDWARD GRANT) Now, Detective Rand, I show you what's been marked by the Court Reporter as being People's proposed exhibit No. 2, again, dated July 5, 1979, by the red stamp and inked impression on the back. Would you examine that please, and then I would ask you questions concerning the same.

[16]

Have you had a chance to examine People's proposed exhibit no. 2?

A. Yes.

Q. And does that look familiar to you as something that you came into contact with on March 22, 1979?

A. Yes, it does.

Q. And how can you identify people's propped exhibit no. 2 being one and the same item you came into contact with on March 22, 1979?

A. Again, it's marked incident 78-035861. It's dated 3-22-79 as the commencing time of 2125 hours or 9:25 P.M. and a ending time of 2346 hours or 10:46 P.M.

Q. You recognize that as being your handwriting that you affixed on the document in question on March 22nd?

A. Yes it's also affixed with my signature and identification number.

Q. Okay. Now, where was it that you came into contact with people's proposed exhibit no. 2 and Mr. Bladel on March 22, 1979?

A. It would have been in the interview room in the detective bureau at Jackson Police Department.

Q. Okay, and the person then that you came into contact with is the same person you already identified as having previously come into contact on the first and second of January?

A. Yes.

Q. Same person presently in the Court seated at the counsel table you already identified?

[17]

A. Yes.

Q. Did you again have any prior conversation advising him of anything on March 22nd?

A. He was again advised of his rights or statement of rights per our form A.



Q. Would you go through that again for us just as you recall doing that on the 22nd of March with Mr. Bladell?

A. He was advised this was a statement of rights and before you answer any questions or make any statement you must fully understand your rights. First one, you have a right to remain silent. He was asked if he understood that and he indicated to the affirmative. He would use the word, "right." Second one, anything you say can and will be used against you in the Court of Law. Again, the acknowledgement of understanding and he indicated with the word, 'right.' Third, you have a right to consult with a lawyer before you answer any questions or make any statement and have him present during questions or before making any statement. Again, the acknowledgement was requested for understanding and he indicated right. Four, if you can't afford a lawyer one will be appointed for you before questioning or any time during questioning, if you so desire, and again, the acknowledgement for understanding and he indicated, 'right.' Five, if you answer questions or make any statement without consulting with a lawyer or having a lawyer present you still have the absolute right to stop [18] at any time you wish and to answer no further questions or make no further statements. You may at any time you wish stop answering questions or make any statement or have a lawyer present during questioning. Again, he was asked if he understood and he indicated right, and he was asked if he had any question regarding his rights and he answered, "no."

Q. Then he was asked—

A. He was asked if he fully understood and he stated, "right," and he was then read, "The acknowledgment of rights have been explained to me and I have had an opportunity to ask questions concerning my rights and now fully understand what my rights are." Again, that portion was explained and he was asked if he had any questions and he stated, "No, he understood that part" and does he wish to answer questions or to make a statement without first consulting a lawyer or without having a lawyer present during questioning, and I waive my rights and I wish to state no promises or threats have been made to me or against me or any others, and again, he was advised in simple form that that stated he was willing to talk to me without a lawyer present, and that I hadn't made any threats to him or anyone else.

Q. You put that in your own words when you explained that to him?

A. Yes.

Q. Did he seem to be paying attention to what you were saying?

A. He seemed to be.

[19]

Q. Did he acknowledge on this waiver and this form and sign it?

A. Yes, he did.

Q. And that was done in your presence?

A. Yes.

Q. And is this your signature, as it is and as you saw him affix his signature also?

A. Yes.

Q. And there is a signature under witness, who is that?

A. That is David Kaeki, and he is a sergeant with the Elkhardt Police Department.

Q. This interview was at what time?

A. 9:25 P.M.

Q. And Mr. Bladel indicated he would speak with you?

A. Yes.

Q. He didn't request an attorney?

A. No, he did not.

Q. And did you in fact have some conversation with him?

A. Yes, I did.

Q. Would you state to the Court the nature of the conversation you had with Mr. Bladel at that time?

A. In the interview, we started right off and we had recovered a shotgun and we had found that the gun was purchased by Mr. Bladel.

Q. You told him these facts, is that correct?

A. Yes, I did. Okay. He was advised that the gun was at the [20] Michigan State Police Crime Lab and the scientific laboratory was doing tests first and had the casings from the depot with the ejector marks and primer marks and these were all being prepared at the present time and asked him to make a statement and he indicated as far as the gun, "Well, I got rid of the gun." And, we

further questioned him about getting rid of the gun and he stated, that "He had got rid of it a long time ago because he could get 2 years for having that gun."

Q. Did he indicate to you how he got rid of the weapon in question?

A. After several other questions pertaining to the same thing and getting the same responses indicated he had thrown it away down in Elkhardt over a year ago in a field.

Q. Was there any conversation additional between you and Mr. Bladel?

A. In regard to the weapon he was told that or just a statement by me that he had—I didn't believe that he had thrown the gun away down there and that he had thrown it away up here. And, he stated, "no he had thrown it away down there and whoever found the gun down there must have brought it up here and killed those people and got rid of it." And, I said, "His name is probably Rudy Bladel," and he indicated, "there might be two of them."

Q. There might be two Rudy Bladel's?

A. Yes.

[21]

Q. So you had confronted him with the fact you had the ATF form indicating his signature of that gun by serial number?

A. Yes.

Q. Was there any further conversation that you recall at that time?

A. Got into the fact that he had been in the depot on two previous days at which time he stated, "No, he

had only been in there on Saturday and he hadn't been anywhere near the depot on Sunday," and he was challenged on that from a prior interview on January 2nd where he had indicated he was in both days and he was again asked if he had gone to the depo and shot those guys and put the gun in his suitcase and carried it away in that fashion and he indicated again, and said, "No, he says I got rid of that gun over a year ago," and he wouldn't give us a direct answer on that he just would go back to the statement that he had thrown the gun away down in Elkhardt.

Q. How do you recall that interview being terminated?

A. The interview terminated on just mere silence on on the part of Mr. Bladel. He just ceased to answer questions or just talk at all so we terminated at that point.

Q. How long was this interview, overall?

A. This interview was one hour and twenty-two minutes, overall.

Q. And at that time that you are interviewing, did Mr. Bladel ever ask to use the washroom or did you deny him access to any toilet facility or food or drink that he may have requested from you?

[22]

A. He asked to use the toilet facility and he was taken there and when he finished that, then he was taken back to the interview room and there was a drinking fountain outside the door and I believe he got a drink coming back to the room and he never requested anything after that.

Q. Okay, and of course, you had prior to interviewing him at City Police brought him back from Elkhardt, Indiana and—had you not?

A. Yes.

Q. Were you familiar with whether or not he had had supper prior to the interview?

A. Mr. Bladel indicated he was hungry out of town and we stopped at Wendys Hamburgs in Elkhardt and purchased a hamburg, french-fries and large coke, which he consumed on the way back.

Q. And it takes approximately how long from Elkhardt to the City of Jackson?

A. An hour to an hour and forty-five minutes.

Q. Prior to your bringing him back to Jackson, did you have an occasion in that afternoon to be present in the Elkhardt Court where Mr. Bladel waived his extradition?

A. Yes.

Q. And he also waived his attorney at the extradition hearing, did he not?

A. Yes.

Q. He did not on the date you spoke with him, being March 22nd, [23] asked to have an attorney at any time, did he?

A. No.

Q. Any of the things that you told him concerning finding of the gun and tests being conducted, did you lie about any of these things or did you just give him the facts



as you understood them to be, just the facts at the time you were relating to him?

A. I gave him the facts as they were known to me.

Q. That was a Thursday was it not?

A. Yes.

Q. And were you present when he was arraigned in District Court?

A. Yes.

—Okay, thank you.

MR. GRANT: I have no further questions at this time, Your Honor. We would ask that People's proposed exhibit no. 2 be entered as People's exhibit no. 2. I show that to defense counsel.

MR. WILLIAMS: No objection.

THE COURT: There being no objection, People's exhibit no. 2 is admitted.

MR. GRANT: Thank you. I have nothing further of Detective Rand at this time, then.

THE COURT: Cross examination, Mr. Williams?

MR. WILLIAMS: If it please the Court.

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#### CROSS EXAMINATION

[24]

Q. (BY MR. WILLIAMS) Now, Detective Rand, how many times in all that you can recall did you question Mr. Bladel?

A. Three, I believe.

Q. And on January 1st, 1979 how long did you question him?

A. 11 minutes.

Q. I believe you stated that he did not sign the waiver?

A. No, he did not.

Q. Well, did he ask for a lawyer?

A. No, he did not.

Q. Now, what is the standard operating procedure in the police department when a person does not sign the waiver?

A. Standing operating procedure is the investigator or whoever it may be, the refusal to sign a waiver does not necessarily mean refusal on the part of the person to talk. If he would have indicated I have nothing to say to you, I want to talk to a lawyer or whatever, I would have walked out of the room and wouldn't have said nothing else, but it was not indicated to me so he was asked questions at that time.

Q. Did you think it was odd that he wouldn't sign the waiver?

A. He was asked to sign the waiver. He never came out and says, no I will not sign the waiver. He just looked at the form and didn't sign it.

Q. He didn't sign it?

A. Right.

Q. And at that time you took it as a voluntary waiver because he [25] didn't sign it?

A. He acknowledged understanding his rights and he acknowledged that he understood the waiver portion of the rights and he never gave me a negative response as to talking to me or not talking to me at the time.

Q. Did you ask him why he didn't sign the waiver?

A. No, I don't believe I did.

Q. I believe you stated that you talked to him again and in the afternoon on January 2nd, is that correct?

A. Yes.

Q. And, at that time did you present him with a waiver to sign?

A. No, I did not.

Q. Why didn't you present him with a waiver to sign?

A. I advised him of his rights verbally and it was a matter of just talking to him again, subsequent to the first interview.

Q. But, he wasn't presented a waiver to sign, is that correct?

A. No, he was not.

Q. Did he ask for an attorney at that time?

A. No, he did not.

Q. And how long did you talk to him on January 2nd?

A. Approximate time on January 2, I would have—I would say an hour minimum, and an hour and ten minutes as a maximum.

Q. How long did you talk to him on January 1st?

A. 11 minutes.

[26]

Q. Now, calling your attention to March 22, I believe you stated you talked to him an hour and twenty-two minutes, is that correct?

A. That's correct.

Q. And, at this time he did sign a waiver, is that correct?

A. Yes.

Q. And, did he ask for an attorney at that time?

A. No, he did not.

Q. But, I believe you did indicate that the interview terminated because he just went into silence, is that correct?

A. That's correct.

Q. Did you take that to mean he didn't want to talk anymore?

A. That's correct.

Q. Well, you stated that you were present at the arraignment, is that correct?

A. Yes.

Q. And who was that in front of?

A. Judge Justin. No, I take that back, Judge Crary.

Q. Fine, and at that time did you recall Judge Crary asking Mr. Bladel if he wanted an attorney to represent him?

A. Yes, I do.



34a

Q. And do you recall Mr. Bladel stating that he did not have the funds for an attorney and that he was broke, in otherwords?

A. As part of his answer, I believe, yes.

Q. And do you recall Judge Crary stating that he would appoint an attorney to represent him?

[27]

A. Yes.

Q. Now, that was—excuse me, strike that—that was March 23, is that correct?

A. Yes.

Q. And when was the next time that you questioned Mr. Bladel?

A. I did not.

Q. So, you questioned him on January 1st, January 2nd, and March 22nd?

A. Yes.

Q. And that was the sum total of your questioning?

A. Yes.

Q. You did have knowledge that Mr. Bladel had requested an attorney at the arraignment?

A. In part.

Q. And did you have an occasion to talk to anyone else on the police department that may have connection with Mr. Bladel?

A. Would you be more specific?

Q. Was there anyone else that you talked to on the police department that would be questioning Mr. Bladel?

35a

A. I had no idea of anybody going to question Mr. Bladel. I talked to all my fellow workers on the police department.

Q. Did you inform any of the other fellows on the police department that Mr. Bladel had requested an attorney at the arraignment?

A. I don't recall.

[28]

Q. Was there anyone else with you when he requested an attorney at the arraignment?

A. Somebody else was with me. I am having difficulty recalling who.

Q. Now, what is the standard procedure when you have a person that you are questioning? I might ask you—all right. Is this exclusively your case at that time?

A. I am the chief investigating officer. It was exclusively my case as far as the investigation is concerned, but that's not to keep anybody else from being involved in the investigation in a manner that as the investigator that is handling the case, because of the magnitude of the case.

Q. Now, if anyone else would question Mr. Bladel would they first come to you and inform you of such?

A. Normally, yes.

Q. And, in this case did anyone else come to you and inform you that they were going to interrogate Mr. Bladel?

A. Yes.

Q. And who was that?

A. That was Sergeant Wheeler.

Q. Did anyone else come to you and inform you that they would assist in the interrogation of Mr. Bladel?

A. Sergeant Wheeler indicated that he and Lieutenant Lowe were going to go up and talk to him.

Q. And what information did you give to Sergeant Wheeler or Lieutenant Lowe as far as this case was concerned?

[29]

A. Information? Well, they were being supervisory officers. Sergeant Wheeler is my immediate supervisor and Lieutenant Lowe is the commander in charge of the entire detective bureau and they had maintained status on this complaint and they were aware of everything that I was aware of.

Q. Were they present at the arraignment?

A. I believe Sergeant Wheeler was present at the arraignment. I can't recall if Lieutenant Lowe was there or not. I believe not. I don't believe he was up there for the arraignment.

Q. Did you inform either Sergeant Wheeler or Lieutenant Lowe that Mr. Bladel had requested an attorney?

A. Specifically, tell them that, no, I did not.

Q. Did you inquire as to whether Mr. Bladel talked to an attorney?

A. I'm sorry?

Q. Did you inquire at any time whether Mr. Bladel had talked to an attorney after he requested it?

A. Did I inquire?

Q. Yes.

A. No, I did not.

Q. Do you know whether or not an attorney was appointed on the 23rd?

A. No, I have no knowledge of an appointment that was made at that time or not.

Q. Did you acquire an acknowledgement subsequent to the 23rd that [29] Mr. Bladel had been appointed an attorney?

A. You mean after the 23rd?

Q. Yes.

A. Yes, I did.

Q. And when was that?

A. That would have been the afternoon of the 26th.

Q. And how did you come about that knowledge?

A. I believe I came to that knowledge or obtained that knowledge through the prosecutor's office.

Q. And to your knowledge after the 22nd did anyone else question Mr. Bladel?

A. After the 22nd?

Q. Yes.

A. Sergeant Wheeler and Lieutenant Lowe did on the 26th.

Q. Did anyone else question him on the 23rd to the best of your knowledge?

A. To the best of my knowledge, no.

Q. Did anybody question him on the 24th?

A. Not to my knowledge.

Q. Did anyone question him on the 25th?

A. Not to my knowledge.

Q. And to the best of your knowledge when was he questioned on the 26th?

A. Sometime between 9:00 and 1:00 in the afternoon.

Q. And how long was he questioned?

[30]

A. I was not present. I can't testify to that.

Q. Thank you.

MR. WILLIAMS: I have nothing further.

THE COURT: Anything further, Mr. Grant?

MR. GRANT: No, sir.

THE COURT: You may step down.

MR. GRANT: Sergeant Wheeler would you step up please and be sworn in by the Clerk?

**RICHARD WHEELER**

**BEING FIRST DULY SWORN IN BY THE CLERK AT 10:12 A.M. WAS EXAMINED AND TESTIFIED UNDER OATH AS FOLLOWS:**

**DIRECT EXAMINATION**

**BY EDWARD GRANT**

Q. Would you state your full name please, and spell your last name?

A. Richard Wheeler, W-H-E-E-L-E-R.

Q. And you are presently employed, sir, Mr. Wheeler?

A. Yes, sir.

Q. And where do you work and what capacity?

A. Jackson Police Department, Sergeant.

Q. How long have you been so employed with the City of Jackson Police Department as an officer?

A. 25 years.

Q. And were you so employed on March 26th of 1979?

A. Yes, sir, I was.

[31]

Q. And is there anybody in the Courtroom at this time that you came into contact with in your official capacity as a Sergeant with the City of Jackson Police Department?

A. Yes, sir.

Q. Who would that be?

A. Rudy Bladel, sitting just to the right of the defense counsel.

Q. And what is he attired in here today?

A. Blue coveralls.

Q. May we have the Record reflect again that Sergeant Wheeler has identified the defendant, Rudy Bladel?

THE COURT: It may so indicate.

Q. (BY EDWARD GRANT) Where did you come into contact with him?



A. Jackson County Sheriff's Department.

Q. Was anybody with you?

A. Lieutenant Lowe.

Q. Specifically, why in the Jackson Police Department did you come into contact with Mr. Bladel?

A. In the office of the Sheriff.

Q. Up on the second floor?

A. Yes, sir.

Q. Okay, could I have this marked as 3 please?

(WHEREUPON, THE COURT REPORTER MARKED PEOPLE'S PROPOSED EXHIBIT NO. 3.)

[32]

Q. Sergeant Wheeler I am going to show you what has been marked as People's proposed exhibit no. 3 by the red stamp and inked impression marked on the back of said document. Would you look at people's proposed exhibit no. 3 and carefully, please, and I would ask you some questions concerning same?

A. Yes, sir.

Q. Do you recognize people's proposed exhibit no. 3 as being a document that you came into contact with on the 26th of March in your investigation of the triple homicide at the railroad station?

A. Yes, sir, I do.

Q. How do you recognize this as being one and the same document that you came into contact with?

A. Incident 78-3035681, dated 3-22-79 at 12:42 P.M. with my signature affixed to it.

Q. You recognize those as being your writing that you affixed to the document on the date in question?

A. Yes, I do.

Q. Did you do anything then with People's proposed exhibit no. 3 in connection with Mr. Bladel?

A. Yes, sir.

Q. What did you do?

A. I gave Mr. Bladel a copy. Lieutenant Lowe had a copy and a statement of rights was read to Mr. Bladel.

Q. All right, and would you read to the Court how you read to [33] Mr. Bladel on the date in question and put anything that he said to you by Mr. Bladel, if he made any statements showing acknowledgement of what you were saying?

A. Yes, sir. Before you answer any questions or make any statement you must fully understand your rights. No. 1. You have a right to remain silent. I at this time asked Mr. Bladel if he understood no. 1 and he stated yes. No. 2, anything you say can and will be used against you in a Court of Law. Again, I asked Mr. Bladel if he understood no. 2 and he stated, yes. You have a right to consult with a lawyer before you answer any questions or make any statements and to have him present during the questioning or while making a statement. Again, Mr. Bladel was asked if he understood no. 3 and he stated that he did. If you can't afford a lawyer one will be appointed for you before questioning or any time during questioning and if you do so desire. Again, Mr. Bladel was asked if he understood no. 4 and he stated that he did. No. 5, if you answer questions or make any statement without consulting a lawyer or having a lawyer present you will still have the

absolute right to stop any time you wish and to answer no further questions or make any further statement or you may at any time if you wish to stop answering questions or make any statements until you consult a lawyer and you may have a lawyer present during the time of the questioning. I asked Mr. Bladel if he under-[34]stood no. 5, or had any questions and he stated he understood no. 5 and he had no questions. The acknowledgement of waiver was read in full to him. The above statement of my rights have been read and explained to me and I have an opportunity to ask questions concerning my rights and I now fully understand what my rights are. I wish to answer questions or to make a statement without first consulting a lawyer or without having a lawyer present during questioning and I waive my rights to remain silent in the presence of the lawyer at this time and I wish to state not promises or threats have been made to me or against me or any others. Also, Mr. Bladel was asked at this time if he understood what that meant and did he have any questions or did he want an attorney present at this time and he said he did not and understood this.

He was asked if he would wish to sign the waiver at which time Mr. Bladel signed this particular waiver.

Q. And that appears on People's proposed exhibit no. 3 does it not Sargeant Wheeler?

A. Yes, sir.

Q. And that signature was affixed there in your presence as well as Lieutenant Lowe's presence?

A. Yes, sir.

Q. Now, Lieutenant Lowe's name only is on the document under witness is that correct?

A. Yes, sir.

[35]

Q. Was that affixed in your presence?

A. Yes, sir.

Q. And the only other writing on there is the police and it says Jackson County Police Department—Sheriff's office?

A. Yes, sir.

Q. You put that in there by yourself?

A. No, that was by Lieutenant Lowe and the rest was mine.

Q. Did Mr. Bladel at any time ask to have an attorney present?

A. No, sir.

Q. To contact an attorney?

A. No, sir.

Q. Did he indicate to you that he was willing to speak with you?

A. Yes, he did.

Q. And would you relate for the Court then what if anything further took place after the People's proposed exhibit no. 3 was executed as you have testified?

A. Well, we started out with questioning Mr. Bladel about how he was being treated at the County Jail which he stated was okay. His education which he stated that he was or went through the 8th grade and then some sort



of school in Chicago where he completed, I think his 12th grade education or equivalent to. His railroad work, what type of a job he had. His problems that he had with the railroad which he explained to us about losing a job and so forth and finally it was brought out that the reason we were there was to [36] bring forth the evidence that we had picked up and that was in Lansing that we had found the gun that had been involved in a slaying down at the depo, that the gun was traced with effort back to him. That some trace evidence was up in Lansing and that there was green flecks found in his suit case and green flecks found on the shotgun and so forth.

Q. Okay, and did any of the things you told him or any of those were they made up by you or false?

A. No, sir, they were the truth.

Q. These were all of the facts as best you knew them at that time?

A. Yes, sir.

Q. All right and did you then have any further conversation with Mr. Bladel after confronting him with the finding of the shotgun and that it had been analyzed (sic) and did you also show him the AFT form, the firearms?

A. Yes, sir, we had the zeroxed copy of the AFT form.

Q. And you showed it to him?

A. Yes, sir.

Q. And did you then have any further conversation with him?

A. He admitted that the gun was his, but at first he said he threw it away, but because he knew if he was

caught with it he would go back to prison, but we kept talking and finally Rudy leaned forward in the chair and said, "You got me, what [37] do you want to know?"

Q. What took place?

A. So, we said, "What happened Rudy," and he says, "Well, on that particular night I left the Adams Hotel about 6:15 P.M."

Q. What night was he speaking of?

A. New Years Eve, about 6:15 P.M., and walked to the depo and went up on the ramp, put a shotgun together, went inside, shot the one man sitting in the chair facing, turned and shot the other man sitting at the picnic table and put another shot in each of the other bodies and went on out the front and shot another man in the head and left, walking southerly across the railroad tracks.

Q. Did he indicate to you what he did with that shotgun or how he was, if he was able to conceal it while he was approaching the hot air room?

A. Yes, sir he said he took it out of the suitcase and put it together.

Q. Did he indicate to you what he did or where he went after he left the depo then after shooting these three men?

A. Yes, sir, he did, he said he went back to the hotel.

Q. And was there any further conversation with him at that time concerning murder or other evidence?

A. Yes, sir, he said that he heard over the radio that they were looking for a ex-railroad man from Elkhardt and at the time [38] he figured it was him that they were

looking for and he stated he took the gun and wrapped it in a coat or a garment and walked west to the park and hid the gun or got rid of the gun, was the way it was.

Q. Was there any further conversation that you recall?

A. Yes, sir, we asked him if he would write out a confession for us and he stated that he would.

Q. Okay, and was he advised of any further rights at that time?

A. Yes, he was advised of the form C rights that is on the confession.

Q. Who is that done by?

A. That was done by Lieutenant Lowe.

Q. Okay, thank you.

THE COURT (sic): If it please the Court, I am going to show defense counsel People's proposed exhibit no. 3 and ask that that be admitted as People's exhibit No. 3.

MR. WILLIAMS: No objection.

THE COURT: Being no objection, People's exhibit no. 3 is admitted.

Q. (BY EDWARD GRANT) Was there any conversation with Mr. Bladel at that time while you were there interviewing him concerning why he shot these 3 people?

A. That Michigan railroad men had caused him to lose his job and that he didn't like them.

Q. Did he indicate to you that he knew personally any of these three men?

A. No, sir.

Q. He did not know or he didn't indicate to you?

A. He didn't indicate.

MR. GRANT: I have nothing further at this time, Your Honor.

THE COURT: Cross examination, Mr. Williams?

MR. WILLIAMS: If it please the Court.

### CROSS EXAMINATION

BY MR. WILLIAMS

Q. Sergeant, were you present at the arraignment?

A. No, sir.

Q. Did you have any knowledge of the—that the defendant had been arraigned?

A. No, sir.

Q. Did you have any knowledge of the—that the defendant had been arraigned?

A. Yes, sir.

Q. Did you have knowledge that he had requested an attorney?

A. No, sir.

Q. Did you inquire as to whether he had requested an attorney?

A. Yes, sir.

Q. And what was the answer when you inquired?

A. Who he inquired from or what was the answer?

Q. What was the answer?

A. Why, yes, that he had requested an attorney.

[40]

Q. Then you knew that he had requested an attorney?

A. He told us he did.

Q. He did?

A. Yes, sir.

Q. And when did he tell you he had requested an attorney?

A. Right after he—I read him no. 5.

Q. And what was no. 5?

A. If you have any questions to make any statements without consulting a lawyer or have a lawyer present you will still have the absolute right to stop any time you wish and make no further questions or no further statements or you may at any time you wish stop answering questions or make any statements until you consult a lawyer or have a lawyer present during the questioning.

Q. And at that time he told you he had requested an attorney?

A. Yes, sir.

Q. And did you cease the questioning at that period?

A. No, sir.

Q. Did you ask him whether he wanted to consult with his attorney?

A. Yes, sir.

Q. Did he tell you that one had been appointed or only that he had requested an attorney?

A. He requested one and didn't know whether he had shown up and he said he didn't need one and he intended on pleading guilty.

[41]

MR. GRANT: He intended on pleading guilty?

THE WITNESS: That was later on.

Q. (BY MR. WILLIAMS) How much later was this later on?

A. After he give us a statement.

Q. After he had given the statement?

A. Yes.

Q. But, prior to the statement?

A. He stated he was specifically asked by Lieutenant Lowe whether he wanted an attorney present at this time and he stated no.

Q. But, he did tell you that he had requested an attorney?

A. Yes, sir.

Q. And one hadn't shown up?

A. Well, whether one hadn't shown up or he didn't know whether he had been appointed or not. Let's put it that way, he said he had requested one, but didn't know whether one had been appointed or not.



Q. What was his state of mind at the time you questioned him?

A. State of mind?

Q. Yes.

A. Very calm, calculated when we would ask questions, he would sit back and think what he was going to say.

Q. What time did you question him?

A. What time? It was 12:42 P.M. on the 26th of March.

Q. And how long did you question him?

[42]

A. How long? Roughly an hour and ten minutes from beginning to end, that's total time.

Q. Was this the first time you had questioned Mr. Bladel?

A. Yes, sir.

Q. And this was your first contact with him?

A. No, sir.

Q. When had you contacted him?

A. My first contact with Rudy Bladel was when we arrested him in Elkhardt, Indiana.

Q. When then you were with Detective Rand?

A. Yes, sir.

Q. Did you talk to him from Elkhardt?

A. No, sir, I never had words with Rudy Bladel before our interview on the 26th.

Q. Do you know who went to the arraignment?

A. I have no idea I am sure Detective Rand did, but I can't say that truthfully, so I really can't say. I was in Elkhardt.

Q. At any time did you attempt to ascertain whether or not an attorney had been appointed for Mr. Bladel?

A. No, sir.

Q. Did this become of concern to you after you read him his rights and that he reported to you that he had requested an attorney?

A. No concern whatsoever.

Q. I have nothing further.

[43]

# REDIRECT EXAMINATION

BY EDWARD GRANT

Q. Now, your testimony is that he did mention to you that he had asked for a Court appointed attorney and you asked him at that point if he wanted an attorney present?

A. Yes, sir.

Q. And he specifically said to you at that time?

A. I do not need one.

Q. He did not wish an attorney present?

A. Yes, sir.

Q. And he would speak to you without his attorney?



A. Yes, sir.

MR. GRANT: I have nothing further of this witness.

### RECROSS EXAMINATION

BY MR WILLIAMS

Q. I believe you stated that he stated that he did not need one after the questioning?

A. No, sir, he said he did not need one after I advised him of his rights. We asked him if he wanted an attorney present and he said no, I do not need one.

Q. But, he did inform you prior to that that he had requested an attorney?

A. Yes, sir.

MR. WILLIAMS: I have nothing further.

[44]

### FURTHER REDIRECT EXAMINATION

BY EDWARD GRANT

Q. Your testimony was, was it not, that he had mentioned later on that he was going to plead guilty anyway?

A. Yes, sir.

Q. That's the portion that he said, sometime later?

A. Yes, sir.

MR. GRANT: I have nothing further.

MR. WILLIAMS: Nothing further.

THE COURT: Did you understand at any time, Mr. Wheeler that the request for attorney was being made to you at the time of the questioning; at that time?

THE WITNESS: You mean did he request an attorney to me?

THE COURT: Yes.

THE WITNESS: No, sir, he never did.

MR. GRANT: It was just the opposite, he said he did not wish—

THE WITNESS: It was just the opposite, he said he did not want one.

THE COURT: Thank you.

### RONALD LOWE

Being first duly sworn in by the Clerk at 10:30 P.M. was examined and testified under oath as follows:

### DIRECT EXAMINATION

[45]

Q. Would you state your full name and spell your last name for the record, sir?

A. Ronald Lowe, L-O-W-E.

Q. And are you presently employed?

A. Yes, sir, I am.

Q. Are you, or where are you employed at the present time, please?

A. City of Jackson Police Department.

Q. And what is your present capacity there?

A. I am a Lieutenant. I am in command of investigative operations.

Q. And how long have you been employed by the city of Jackson overall as an officer?

A. 22 and 1/2 years.

Q. And how long have you been in charge then of the operational capacity that you mentioned?

A. About 1 year.

Q. Okay, if you will think back to the date of March 26th, 1979, were you the Lieutenant in charge of the operation as you mentioned at that time?

A. Yes, sir, I was.

Q. And as such were you also involved in the investigation concerning the triple homicide that took place on New Years Eve at the train depo in the City of Jackson?

A. Yes, sir, I was.

Q. Is there anybody in Court at this time that you had an opportunity to come in contact then in the investigation of [46] that triple homicide on the date in question being March 26th, 1979?

A. Yes, sir, there is.

Q. Who would that be?

A. Rudy Bladel. He is sitting on his counsel's left, dressed in blue coveralls, gray hair and glasses.

Q. All right, where did you come in contact with him on March 26th, 1979?

A. At the Jackson County Sheriff Department.

Q. And specifically where at the Sheriff department did you have the first contact with Mr. Bladel?

A. In the Sheriff's office.

Q. And were you alone with Mr. Bladel or someone else present?

A. No, sir, I was with Seargent Richard Wheeler.

Q. Okay, what do you recall happening then as far as advisement of rights of Mr. Bladel and any statements Mr. Bladel that was made?

A. Seargent Wheeler advised Mr. Bladel of his rights per our form A.

Q. That would be People's exhibit no. 3? It's marked on the back, is that correct?

A. That's correct.

Q. You were present during the advisement of those rights, is that correct?

A. Yes, sir.

[47]

Q. Were you there when Seargent Wheeler affixed his signature?

A. Yes.

Q. Then were you present when Mr. Bladel affixed his signature?

A. Yes.

Q. Your signature is under 'witness', is that correct?

A. Yes, sir.

Q. And do you recall affixing that also?

A. Yes, sir.

Q. Do you recall at the end of the advisement of rights by Seargent Wheeler any statements that Mr. Bladel may have made concerning his appointment of an attorney and whether he wished an attorney present at that time or whether he would make statements without an attorney being present?

A. Mr. Bladel at that time stated that he had requested an attorney at his arraignment, but he hadn't seen him, seen the attorney yet, but he would talk to us, and he said he would talk to us, and he said he didn't need his attorney there while he was talking to us.

Q. He specifically told you as you recall that he did not need his attorney there?

A. That's correct, sir.

Q. And would speak with you?

A. Yes, sir, that's correct.

Q. And then he affixed his signature to that form?

A. That's true.

[48]

Q. Would you then state to the Court what it is that you recall concerning the conversation between yourself, Seargant Wheeler and Mr. Bladel at that time?

A. We started out talking to Mr. Bladel in regard to his schooling, his employment on the railroad, if his parents were living, just small talk leading up to the questioning.

Q. This would be background concerning Mr. Bladel's life, is that correct?

A. Yes, sir.

Q. And after the conversation concerning his background and his education did you ask him anything concerning the homicide at the train station on New Years Eve?

A. Yes, sir, we did.

Q. Would you relate to the Court the conversation as you recall it concerning that matter between yourself and Mr. Bladel?

A. We started out by explaining to Mr. Bladel all of the evidence we gathered, the weapon, the particles that

was found in the suitcase, the particles that was found in breech of the shotgun, the shell casings that was found down at the depo and the fact that the shotgun had been found and was up to the Michigan State Police Crime Lab in Lansing right now being checked for bullistics (sic).

Q. Did you also have with you the copy of the ATF form concerning the sale of the same shotgun with the same serial number which had been found and turned into the city police?

[49]

A. Yes, sir, we did.

Q. And was that signed by Mr. Bladel?

A. Yes, it was.

Q. And did you show that to him?

A. Yes, we did.

Q. And did he examine it in your presence?

A. Yes, he did look at it.

Q. Go ahead and tell us what if any further conversation took place, then after these facts were made known to Mr. Bladel?

A. In regard to the weapon he stated that he had bought the gun, but said he had thrown it away after he got out of prison because he didn't want to go back for a weapon charge. We asked him if he had done anything to the weapon because knowing there was a block of wood placed in the magazine of the gun, and he says yes, he says, I was working on the gun one day and he says the spring or the spring that holds this into the magazine had blown out and couldn't find it, so he put a block of wood in the end of the magazine to hold the spring in.



Q. What was that, or why was that significant to you?

A. Because I felt only the person that had that weapon would have known that that block of wood was in the gun.

Q. And in fact there had been a block of wood in that position when it was turned in as evidence?

A. That correct.

[50]

Q. Proceed then and tell us what you recall?

A. After that statement, Mr. Bladel leaned back in his chair and says, "Well, you got me, what do you want to know?"

Q. And would you relate to the Court any further conversation between yourself and Mr. Bladel?

A. We asked Mr. Bladel if he would start right from the night of the shootings on January 31, 1978 and he stated he left the hotel about 6:15 P.M., carrying his suitcase with the weapon in it and he walked down to the depo by the hot air room, set his suitcase down and put his weapon together, walked in the door, shot the man sitting in the chair by the side door and shot the man sitting at the picnic table and put one more slug in each of them, and he says, as he was on his way out another man walked through the door, and he said he shot him, knocked him down and the man fell out onto the platform and he said he walked out and put another slug in the man's head, put his gun back in the suitcase and walked in the southerly direction across the railroad tracks back to his hotel.

Q. Was this gun broken down into two pieces?

A. Yes.

Q. Did he mention whether or not he had broken it down?

A. I recall specifically him saying that when he got down to the depo he put his gun together after taking it out of the suitcase.

[51]

Q. Was there any further conversation then between yourself and Mr. Bladel as to what if anything he may have done after that or why he did what he told you he had done?

A. Mr. Bladel stated that he went back to his hotel room and sometime later on that evening he heard his name mentioned over the radio, or not his name, he heard that there had been a shooting and they were looking for an ex-railroad employee from Elkhardt, Indiana, in regard to the shooting and he stated he became concerned about that and he wrapped his gun up into a parka or a coat and walked out toward the Cades, he didn't specifically mention the Cades, but out to a park and where he left the gun.

Q. Okay, and was there any further conversation then?

A. We asked Mr. Bladel if he would write his statement out for us on our form C and he stated he would.

Q. Okay, did you make any threats to Mr. Bladel at any time, either before the oral conversation or prior to the written statement that he made?

A. No, sir, we did not.

Q. Did you deny him the use of any facility at all?

A. No, sir, we did not.

Q. Did he make any request of you for anything, a drink of water, or coffee or use the washroom or anything of that nature?

A. He did not.

Q. Okay, so there was nothing to deny him, then, I take it?

[52]

A. No, sir.

Q. Did you strike him at all?

A. No, sir.

Q. Did Seargent Wheeler strike him in your presence?

A. No, sir, he did not.

(WHEREUPON, THE COURT REPORTER MARKED PEOPLE'S PROPOSED EXHIBIT NO. 4.)

Q. Lieutenant Lowe I show you what has been marked as People's proposed exhibit no. 4 and dated with today's date, July 5 with the red stamped and inked impression on the back. Would you look at People's proposed exhibit no. 4 and then I would ask you some questions concerning exhibit no. 4.

A. Yes, sir.

Q. Do you recognize that or can you recognize that as being something that you came into contact with on, or at the Sheriff's Department on March 26th, during your interview with Mr. Bladel?

A. Yes, sir, I can.

Q. How can you recognize it and identify it as being one and the same item?

A. By my signature.

Q. You recognize that as being your handwriting?

A. Yes, sir.

Q. And you affixed it there to?

[53]

A. Yes, sir.

Q. And did you do anything concerning people's proposed exhibit no. 4 prior to Mr. Bladel's affixing his handwriting there to?

A. Yes, sir.

Q. And state to the Court what procedure you followed and what, if anything, you advised him of?

A. I advised Mr. Bladel that this was a statement of his rights concerning his rights to make a statement or not make a statement and I read this form C to him.

Q. Would you read that into the Record as you did on the date in question to Mr. Bladel?

A. Yes, sir. First of all I put the incident no. at the top, 78-035861 and also the date, 3-26-79, and the time started would be 1:45 P.M. And under statement of rights — excuse me, under statement of I put in Rudy Bladel. I printed that out and I read to him his rights. I fully understand that I have the right to remain silent and need not to talk to anyone and that any statement or answer to any questions can and will be used against me in a court of law. I fully understand that I have a right to

consult with a lawyer and to have him present prior to or while answering questions and giving a statement and I fully understand if I can't afford an attorney the Court will appoint one for me if I wish. And, then I may talk with him before I answer any questions or give my statement. I understand that if I [54] desire and so indicate the questions and answers to them by me while or will cease at any time during the course of this statement. I know these are my rights, but I desire to waive them and I do not desire an attorney at this time and I voluntarily give the following statement without any threats or promises being made to me or against me or any others.

Q. Okay. Now, after you advised him of that was there any conversation with Mr. Bladel concerning whether he understood what you were telling him?

A. I asked Mr. Bladel if he understood his rights and he stated he did.

Q. Was there any mention of an attorney at that time?

A. I asked him if he desired his attorney present and he stated he did not need one.

Q. What, if anything, further took place then?

A. In addition to the last statement that Mr. Bladel said, when I asked him if he needed his attorney present he stated, "I don't need him present. I am going to plead guilty anyway."

Q. He never did request an attorney or to see his attorney that he may have requested at the District Court arraignment?

A. No, sir, he did not.

Q. All right, then did he write and make certain affixations to that sheet?

A. Yes, sir, he did. He wrote out his statement and signed it.

[55]

Q. And that was done in your presence?

A. Yes, sir, it was.

Q. You sat there during the time he subscribed these words to the page?

A. Yes, sir, I did.

Q. And he also signed in your presence?

A. Yes, sir.

Q. Would you read to us what it was that he wrote down?

A. His statement is as follows: "On December 31, 1978, I walked into the hot room at Jackson depo and shot 3 men to death. I then went back to the hotel and then threw the gun away. The reason is that the railroad and the union and the Michigan trainmen took my job and hired other men to work at Elkhardt." It's signed Rudy Bladel, and I affixed the time as the time ended at 1:52 P.M., 3-26-79.

MR. GRANT: I show people's proposed exhibit no. 4 to defense counsel, Your Honor, and we would ask that it be admitted as people's exhibit no. 4.

MR. WILLIAMS: No objection.

THE COURT: There being no objection, people's exhibit no. 4 is admitted.



Q. (BY EDWARD GRANT) Was there any further conversation or any further interaction with Mr. Bladel at that time?

A. We thanked Mr. Bladel for his statement and he was returned to his cell by the Sheriff department personnel.

[56]

Q. At the time you are conversing with him and at the interview on the date in question, how did Mr. Bladel physically appear before you on that date?

A. He was alert, he was quiet, looked to be in good health and spirits.

Q. All right, and would he answer the questions that were directed to you in a sense. I believe manner that is — would the answer be responsive to the questions?

A. Yes, sir, we would ask him the question and he would sit back and think before he answered the question. However, at the end of the — towards the end of the interview prior to him saying that he had done this, these killings down at the depo, we noticed him getting quite nervous, his muscle in his throat was thumping quite badly, and he was always continually picking at his finger nails at that time.

Q. Did he appear to you in your experience as a police officer to be under the influence of alcohol or drugs at the time of the statement?

A. No, sir, he did not.

Q. Okay — and had you gotten him from somewhere prior to him, his being brought to the sheriff's department —

A. I'm sorry.

Q. Did you go back — did somebody else bring him out?

A. Somebody brought him out.

Q. He had been in the jail prior to your talking with him, is that correct?

[57]

A. Yes, sir.

Q. Did he indicate to you that he was extremely tired or did he appear to be physically tired to you?

A. No, sir, he did not.

MR. GRANT: I have nothing further.

THE COURT: Could I see exhibit no. 4 please? Cross examination, Mr. Williams?

#### CROSS EXAMINATION

BY MR. WILLIAMS

Q. All right, were you present when these rights were read to the defendant, Mr. Bladel?

A. On the 26th of March, sir.

Q. Yes.

A. Yes, sir.

Q. Did you hear Mr. Bladel state that he had requested an attorney?

A. He had requested, yes, I heard him say that he had requested an attorney at his arraignment, sir.

Q. Did you ask him whether or not he had seen an attorney?

A. I think Mr. Bladel, his statement was that he had requested one at his arraignment, but he hadn't seen him yet.

Q. Isn't it true that Mr. Bladel seemed kind of concerned that he had requested one on the 23rd and here it was the 26th and he didn't have his attorney?

A. You are asking me how he felt. I don't know how he felt, sir.

[58]

Q. Did he express that he was concerned about this?

A. Well, he said that he had requested one at his arraignment but he hadn't seen him yet. That was his statement.

Q. Did you cease questioning after he stated that he had requested an attorney?

A. He didn't request an attorney be present during this interview, sir, his request was that he had said that he had requested an attorney at his arraignment.

Q. And after learning that he had requested an attorney at the arraignment did you stop questioning at that point?

A. No, sir, he was advised that if he wished to have an attorney present during this questioning that then he could at any time he wished have his attorney present.

Q. Did you cease to question, did you cease the interview after you were informed that he had requested an attorney?

A. No, we did not.

Q. How long did you question Mr. Bladel?

A. The entire time that we was there was from 12:42 when he was first advised of his rights and I believe the questioning concluded at 1:52 P.M. in the afternoon on 3-26-79, so it would be an hour and twenty minutes.

MR. WILLIAMS: I have nothing further.

# REDIRECT EXAMINATION

BY EDWARD GRANT

Q. At no time while you were present with Sargent Wheeler —

[59]

MR. WILLIAMS: Your Honor, we are going to ask that the prosecutor stop leading this witness. It's been going on and on and on and now he is just giving testimony.

MR. GRANT: Let me rephrase it then.

Q. (BY EDWARD GRANT) Did Mr. Wheeler at any time request to consult with his attorney or to contact an attorney or have an attorney, or the Court appoint an attorney, and have him present while you were talking with him on the date in question?

A. No, sir, he did not.

MR. GRANT: Nothing further.

THE COURT: You may step down.

MR. GRANT: May I look at the Court file for a moment, Judge?

We have no further witnesses for the Walker Hearing at this time, Your Honor.

THE COURT: Mr. Williams, do you have any testimony you wish to present or other evidence?

MR. WILLIAMS: Yes, Your Honor, we would call the defendant to the stand.

RUDY BLADEL

Being first duly sworn in by the Clerk at 10:55 P.M. was examined and testified under oath as follows:

DIRECT EXAMINATION

BY DOUGLAS WILLIAMS

Q. Now, state your name and spell your last name, please?

[60]

A. Rudy Bladel, B-L-A-D-E-L.

Q. Where do you live?

A. Elkhardt, Indiana.

Q. Now, you have heard the testimony of the 3 police officers, and calling your attention to January 1st, 1979, were you arrested at that time?

A. Yes, sir, I guess they took me to jail.

Q. And did they tell you why you were being taken to jail?

A. Originally, no, they gave me no indication. I was just taken to jail.

Q. You were placed under arrest?

A. I was placed — they said nothing to me. They just said put your hands to the police car and they didn't say anything to me. I didn't know why I was arrested until I got there.

Q. And, did you have, after you got there what happened?

A. They questioned me on these murders.

Q. Who questioned you?

A. Sargeant Rand.

Q. Were you given your rights at that time? Did they read these rights to you?

A. Yes, they did.

Q. Did they tell you that you had a right to an attorney?

A. Yes, they did.

Q. Did you request an attorney?

[61]

A. Not at that time, no. I had no money for an attorney.

Q. You had no money?

A. I had no money, no, I didn't think I had any reason to need an attorney at that time.

Q. Did you sign a form waiving your rights?

A. No, I did not.

Q. And, why didn't you sign the form?

A. Because I didn't want to make my statement.

Q. And did you indicate that you didn't want to make a statement?

A. I said that I just didn't want to answer their questions. They keep pushing that.



Q. I don't understand?

A. They keep pushing to get questions out of me, but I don't necessarily want to answer their questions.

Q. They kept pushing you?

A. Yeah.

Q. But, you hadn't signed your waiver of rights?

A. No, I didn't sign.

Q. But, they continued to talk to you anyhow?

A. Well —

Q. And this was on January 1st, now, on January 2nd, were you again questioned?

A. Yes.

Q. And did you sign a waiver of your rights at that time?

A. No.

[62]

Q. And why didn't you sign the waiver of your rights?

A. Because I didn't want to — I just didn't want to say anything.

Q. Did you indicate that you didn't want to say anything?

A. Yes.

Q. And they kept talking to you anyhow for one hour, is that correct?

A. Yes, sir, just kept a little bit of pressure up.

Q. And there was pressure on you?

A. Psychological, they didn't use any physical force.

Q. How did you feel?

A. Well, you don't feel very good. You just don't — you try and hold back as much as you can. I mean there is just a limit to how much you can not say. They had the upper hand all the way on it, I realize that.

Q. How do you feel that they have the upper hand?

A. Well, I am not exactly there on my own free will and volition. I can't leave whenever I feel like it.

Q. You mean you can't leave the interrogating room, when you feel like it?

A. Right, I have got to stay there.

Q. You have got to stay there, and how you felt, that you were under pressure, is that correct?

A. Right, absolutely.

Q. Now, calling your attention to March the 22nd, when you were [63] arrested in Elkhardt, is that correct?

A. Yes.

Q. And as I understand it, you waived extradition?

A. They — when I got in the police car the first thing he started, whoever was the policemen, there in the front seat he started telling me that I had to waive extradition and if I didn't waive extradition, they were going to get me anyway and they were going to just slow the thing down and I would have to stay in jail in Elkhardt a little bit longer and it would be in my best interest to waive extradition and I had to ask them to wait a minute. I have got to think about this for a few seconds, but he kept on pushing that I was to waive extradition immediately and

if not sooner and he kept on and I said, well, okay to heck with it. I will waive extradition. I didn't know what to do, and I didn't have a lawyer.

Q. Did they tell you you could have a lawyer?

A. If they told me I don't remember them telling me.

Q. And in the car when you first were arrested, do you recall them saying you have a right to an attorney or did they say you have got to sign the extradition papers?

A. They were — they said I had to sign the extradition papers and it was like right now, and everything was push, push, push, but I don't remember them saying anything about a lawyer.

Q. Now, do you recall talking to detective Rand after you got [64] back to Jackson on the 22nd?

A. Yes, that was late at night.

Q. That was late at night, what time was it?

A. Oh, it was ten or 11 o'clock at night. I don't know, I had no watch.

Q. What time were you arrested in Elkhardt?

A. Four or five o'clock, somewhere in there.

Q. And you were extradited and then returned to Jackson, is that correct?

A. Right.

Q. And then after you got to Jackson were you booked?

A. I don't know if I was booked the 22nd or the 23rd.

Q. Okay, when you got back now did they put you in a cell?

A. Yes, in the Jackson Police Department, there is only one cell there.

Q. I see, and after being in the cell what time can you estimate that you were locked up?

A. Well, I was locked up all night.

Q. But, I mean prior to Detective Rand talking to you?

A. I wasn't in the cell at all for that. They took me right to the interrogation room.

Q. As soon as you got into Jackson?

A. That was right in —

Q. That was around ten or eleven o'clock at night?

A. Somewhere in there yes, I don't know what time it was [65] because it was — I had no watch.

Q. Well, Detective Rand, was he alone when he talked to you?

A. No, there was somebody from Elkhardt. I know him but I don't know what his name is.

Q. How long did they question you at that time?

A. I would say about an hour, again, I don't know.

Q. Now, the next day you were arraigned in front of Judge Crary, is that correct?

A. I don't know which Judge it was, but I was arraigned.

Q. And at such time did you request an attorney?

A. Yes, I did.

Q. And did you explain what was your means for retaining an attorney?

A. Yes, they gave me a form that I filled out and I filled that out the best I could.

Q. and (sic) what did this form consist of?

A. I had a bunch of questions on how much money I had and different things like that.

Q. And this was, am I correct was this to ascertain your being appointed an attorney?

A. Yes, I asked for a court appointed attorney.

Q. Were you told that you had an attorney, that they would grant your request?

A. No, they gave me no indication that I would get one. That was the problem, I was hoping that they would say something.

[66]

Q. And that was the 23rd, is that correct?

A. That's correct.

Q. And on the 24th did you see an attorney?

A. No.

Q. Did anyone else tell you an attorney had been appointed?

A. No, I asked the guard there if I had been granted an attorney and he didn't know.

Q. And on the 25th did an attorney talk to you?

A. No, no attorney on the 25th either.

Q. And did you ask whether you had been granted an appointment of an attorney?

A. I asked on the 26th, but not on the 25th.

Q. And when was that you asked on the 26th?

A. Well, this was in the morning and I can't tell you what time. It would have been after 8:00 because I asked the day man, and he went to work at 8:00.

Q. What did you get for an answer?

A. He didn't know.

Q. So, from the 23rd to the 26th no one had contacted you to tell you whether or not you had an attorney?

A. No, they gave me no indication one way or the other.

Q. And at the questioning by Lieutenant Lowe and Seargent Wheeler did you inform them that you had asked for an attorney?

A. I sure did.

Q. What else did you ask about the attorney?

[67]

A. Well, I wanted to know if I was going to get one.

Q. And what did they tell you?

A. Well, they didn't know. They just — I was hoping for an attorney to tell me what to heck to do here.

Q. And when they gave you your rights you informed them that you wanted an attorney, is that correct?

A. Well, see before they arrested me there was no charge. I simply didn't need an attorney because I hadn't



been arrested, and there was no actual charge against me. But, once I was arrested this was another ball game.

Q. On the 22nd?

A. On the 22nd, then I needed an attorney because now I was actually being charged with something.

Q. So, you informed him that you wanted an attorney?

A. I sure did. I had that in writing.

Q. Pardon?

A. I had that in writing on that form.

Q. And how did you feel on the 26th, that you hadn't received an attorney yet?

A. I didn't feel too good. I was a little apprehensive. I was wondering if they were actually going to get an attorney. I might not get one at all, so I didn't know what was happening.

Q. And when did you first get your attorney?

A. The next day.

[68]

Q. That would be the 27th?

A. The 27th.

Q. And Mr. Bladel on the 26th when you were being asked when you were there, were you cool and calm at that time?

A. I don't know how you can be cool and calm in a jail cell after I mean it's really getting you all worked up, you don't know what's happening, you just — the physcho-

logical pressure are tremendous. The fact that you don't show them doesn't mean they're not there.

Q. Well, didn't your attorney advise you?

A. I didn't have any attorney. I was hoping I could get some advice from an attorney. I needed it real bad. You get it from the police department, you don't get the advice I want, you get the advice they want to give you.

MR. WILLIAMS: I have nothing further.

THE COURT: Mr. Grant?

### CROSS EXAMINATION

#### BY EDWARD GRANT

Q. How far did you go in school, Mr. Bladel?

A. I graduated from high school.

Q. You were able to read and write, aren't you?

A. Yes.

Q. Fairly well?

A. Right.

Q. Okay, and when Detective Rand advised you of your rights on [69] January 1st, he did give you a blank sheet, identical to People's exhibit no. 1 other than the writing that's affixed there along and you followed along did you not?

A. Yes.

Q. And you knew what he was telling you?

A. Yes.

Q. Okay, and he did tell you if you can't afford an attorney, lawyer, one will be appointed for you, is that correct?

A. Right, well one wasn't appointed.

Q. Did he advise you of that?

A. On the 1st.

Q. On the first?

A. Yes.

Q. And you understood that?

A. Yes.

Q. And yet you did not sign the acknowledgement and waiver on January 1st?

A. Right.

Q. Why not?

A. Because I didn't want to say anything.

Q. Did you tell Detective Rand that you did not wish to speak to him about this or didn't want to say anything?

A. I talked with him.

Q. My question was, did you tell him that you did not wish to talk with him or answer any questions but you wanted to stay silent or words to that affect?

A. No, I talked to him.

[70]

Q. You went ahead and talked to him, you didn't wait, or indicate at any time that you didn't want to speak to him until finally you decided you didn't want to say anymore, isn't that about the way it went?

A. Well, I don't remember actually refusing to say anything but maybe I just stopped talking and that was it.

Q. That's what happened, you just stopped talking?

A. Uh huh.

Q. You never even at that time said I am not going to answer any more questions, you remained silent?

A. I remained silent.

Q. You kind of sit there and stared dead ahead right?

A. Right.

Q. Were you nervous at that time?

A. I wasn't exactly nervous — or calm and collected being in jail and all, and it doesn't make any difference where you are at or why you are there or how you are there, you are there.

Q. When you are not calm and collected do you do anything or are there any signs that a person might observe about you physically to know that you are not calm and collected or do we just take your word for it?

A. I don't know, figit with my fingers or something.

Q. There is no question in your mind that on January 1st you were advised of all of these rights you had a form and followed along and you never told Detective Rand at that time anything about wanting, or you didn't wish to speak with him you went [71] ahead and answered any questions he asked you, true?

A. More or less, yes.

Q. All right, on January 1, 1979, it was not the first time you came into contact with the Police Department and the advisement of rights is it not?

A. No.

Q. You have been talked to by police on numerous occasions prior to January 1?

A. Right.

Q. In Elkhart, in Jackson, maybe not Jackson but Elkhart?

A. Yes.

Q. By the Police Department in Indiana?

A. Right.

Q. And you had been advised of your rights in numerous occasions prior to December 31, 1979, in Jackson?

A. Yes.

Q. So, you knew what your rights were didn't you from past experiences?

A. More or less, yes.

Q. There were no big revelations or secrets that were now being unlocked for you on January 31 by Detective Rand, true?

A. This is on January the first?

Q. Yeah.

A. No, nothing tremendous.

Q. You knew you had a right to remain silent from what had been [72] told before?

A. Yes.

Q. Because on other occasions you had remained silent hadn't you in Elkhart?

A. Yes, but the pressures were not put on me, psychological pressures that there is a limit to how long you can remain silent under certain circumstances.

Q. But, the answer to my question is yes, you had remained silent on other occasions?

A. Yes, I have.

Q. And you also have been advised of your right by federal authorities from the firearms, back on or from the U.S. Treasury Department, haven't you?

A. Yes.

Q. And you have been arrested and been in Court on at least two separate occasions where you were convicted?

A. Yes.

Q. Did you have attorneys?

A. Yes.

Q. So, you knew you had a right to attorneys because they were both appointed attorneys in the past?

A. No, one was appointed and the other was not.

Q. All right, the state charge you had retained your own attorney but for the federal charge you had a federal appointed defense counsel, did you not?

[73]

A. On the federal charge there was . . . they did not question me at all after I got an attorney.

Q. You did have a Court appointed attorney on that occasion?

A. Yes.

Q. So, you were aware of the fact that in fact if you are indigent or unable to afford a lawyer, just like Detective Rand told you, you would get a Court appointed attorney?



ney and that was one of your rights, and you knew that on January 1 from your prior experience?

A. It was also —

Q. Did you or didn't you?

A. Yes, I did.

Q. Okay. Now, on the second of January when Detective Rand spoke to you again he advised you of these same rights, he didn't give you a piece of paper, but he told you the same things that he read to you the day before from the form?

A. Yes, he did.

Q. Which included you could remain silent and could have a Court appointed attorney if you wanted one and you can get your own attorney and you were advised about that weren't you?

A. But, I also knew from —

Q. Is your answer yes?

A. Yes, sir.

Q. And you talked to him on that occasion too for over an hour, didn't you?

[74]

A. Yes.

Q. And I was present also wasn't I?

A. Yes, you were.

Q. And you answered all of the questions that you were asked, did you not?

A. More or less, yes.

Q. Did you at any time say, you did not wish to answer any questions or I don't want to answer any question?

A. I don't believe — I don't remember exactly my wording on all of the questions, but...

Q. You would sit there and think about it sometimes for several moments, you would sit there silently and then you would give an answer, whatever you saw fit as being the proper answer at that time?

A. Yes.

Q. Did you at any time indicate either to myself that you felt that psychological pressures were beating you down and that maybe we should help you in some way or make any statement at all to indicate that you felt that you were being psychologically pressured?

A. You were yelling at me. You wanted the shotgun, you said where is the shotgun, where is the shotgun, somewhere is the shotgun and I didn't have the shotgun. You went through all my stuff and I had no shotgun.

Q. That's not responsive to my question. I am asking you to, did [75] you make any comments to myself or Detective Rand that you felt you were being put under undue duress upon you or psychological pressure, so that you were unable to answer any questions?

A. I didn't make any comments, no.

Q. As a matter of fact, you were pretty calm, cool, and collected?

A. You were still using the psychological pressure on me. The fact that I am not saying anything doesn't make any difference there.

Q. Well, the fact of the matter is weren't you at that time kind of playing games with us because you wanted to know whether we had the shotgun and what evidence we had against you and you weren't . . . weren't you asking us about as many questions as we were asking you?

A. I am trying to find out what evidence you have against me, yes.

Q. You wanted to know whether we had the shotgun didn't you, you wanted to know what kind of evidence we had against you didn't you, so maybe the hour you spent half an hour asking us questions about evidence we had against you?

A. No, I didn't ask any questions.

Q. You didn't ask about the shotgun, where was the weapon that was used?

A. No, I told you I did not have it.

Q. I'm asking you did you not request of us if we had the murder [76] weapon and where it was, didn't you request that of us?

A. No, I did not.

Q. You just sat there and answered our questions and in that interview, that interview terminated when you said you had to use the washroom?

A. Approximately, yes, sir.

Q. And you had no time to answer any questions or an attorney when you wanted to use the washroom and that terminated the interview, right?

A. Right.

Q. Did you at all ask for anything, did you not receive food, drink, use of the washroom?

A. I didn't ask for much of anything, but it was not denied.

Q. You weren't physically abused in any way?

A. No.

Q. Was there no physical abuse, there was no hot light on you?

A. No.

Q. No hot light on you? Nobody hit you with any rubber hose?

A. No.

Q. On March 22 of 1979 you were arrested in Elkhart and extradited and brought back to Jackson?

A. Right.

Q. And you were brought before the Judge in Elkhart weren't you at Municipal Court?

A. Yes.

[77]

Q. And the Judge explained to you what your rights would be as far as an extradition hearing didn't he?

A. Yes, I believe he did.

Q. You stood right up in front of the bench didn't you and he spoke to you and told you what your rights were and you told him you wished to waive extradition and you signed all of the extradition forms did you not?

A. Yes, I did.

Q. You didn't ask for an attorney at that time even though he advised you you would have a right to have an attorney and an extradition hearing if you desire?

A. I decided it would be best if we went to Jackson and argue with them in Jackson and not necessarily in Elkhart.

Q. But you understand you had a right to have an attorney and could have had an attorney and you waived those rights?

A. Right.

Q. Because that was because this detective talked to you or you decided it would be better to go back to Jackson?

A. The detective decided that.

Q. I am asking you why you made your decision, is that based upon your consideration as you just stated or was it because this detective was putting pressure on you as you mentioned in direct examination?

A. It was a little bit of both. We will go fifty-fifty on both of them.

[78]

Q. You felt that you were coerced in some way to waive extradition?

A. Well, he put a great deal of pressure on me the second we got in the car.

Q. Did you ever mention that to the Judge before you were before the Judge?

A. No, I didn't.

Q. Why not? Here is an impartial magistrate, why didn't you tell the Judge I feel I am being duressed into this? I want the hearing Judge?

A. I didn't see where the hearing in Elkhart would do any good as far as what happened in Jackson.

Q. You fully understood what was going to happen when you were brought before that magistrate did you not?

A. Oh, I don't know if I fully understood because I'm not a lawyer.

Q. Did you ask the Judge any questions because didn't he give you an opportunity, do you have any questions concerning this Mr. Bladel and you didn't have any questions did you?

A. Well, I simply have no idea what the law is or in any way shape or form.

Q. Why didn't you ask the questions of the magistrate when you had that opportunity?

A. Because I didn't think the pressure were, the shock of being arrested and the pressures were extremely great at that time and it's very easy to come back three or four months later [79] and ask that question, but I didn't.

Q. So, you were saying you were in shock at the time and greatly excited?

A. There was quite a little shock one minute you are out on the street and the next minute you are in the lockup.

Q. What are you saying then, you didn't fully comprehend what was going on?



A. The pressures were ultra extreme on me, they were not on you. You were the one that was applying the pressure.

Q. Well, let us not decide who the pressures were on, and why was it then if you felt you had all of these pressures and standing outside and wouldn't get back in the patrol car until the TV crew didn't you insist on standing out there waving to the camera before you got back into the patrol car after you signed the extradition?

A. I waved to the TV camera?

Q. Don't you remember?

A. With my hands cuffed behind me?

Q. You insisted on standing there?

A. I didn't insist on nothing.

Q. You don't recall that?

THE COURT: Aren't we getting a little bit outside the scope?

MR. GRANT: Not if he is saying at this time because of the duress and psychological pressure . . . [80] well, I will move on.

THE WITNESS: When I went to the patrol car all I did was raise my hand a little bit.

Q. (BY EDWARD GRANT) I see.

A. You are getting into something completely different.

Q. What was that the wave or gratuity?

A. I held my hand up, they had the bright lights on and I shielded my hands up, that's all I did.

Q. You were advised of your rights at the City of Jackson, Detective Bureau, by Detective Rand on March 22, 1979 were you not?

A. Yes.

Q. And you understood them didn't you?

A. Think so.

Q. Did you understand them, just answer the question will you please, did you understand the rights as you were told?

A. I was hoping to get a lawyer.

Q. Could we ask that his answer be responsive, Your Honor?

THE COURT: Would you please answer the question Mr. Bladel. The question is did you understand your rights?

THE WITNESS: I believe I understood my rights, Yes.

(BY EDWARD GRANT) And you signed on People's Exhibit No. 2 [81] the acknowledgment and waiver, did you not?

A. This was the day I was arrested?

Q. This is the 22nd, right when you were brought back to Jackson.

A. Yes, this was late at night.

Q. This is your signature?

A. I signed it, yes.

Q. Okay, and you did that freely and voluntarily?

A. Yes.

Q. And you didn't ask for an attorney did you?

A. Not at that moment, no.

Q. And you went ahead and talked with Detective Rand and answered his questions?

A. Yes.

Q. For approximately an hour?

A. Yes.

Q. Never asking for an attorney?

A. I didn't know at that time. What was going to happen.

Q. Did you ever ask for an attorney?

A. I did not ask for an attorney.

Q. And at that time you knew you were under arrest for murder because you had been extradited already for that murder charge from Indiana?

A. Yes, I had been extradited but there had been no Court hearing or anything. I don't know what the score was at all.

Q. There is no question in your mind that you were under arrest, [82] however at that time?

A. I was very definitely under arrest.

Q. And then nobody talked to you until the 26, isn't that correct, you were taken over to the county jail?

A. Well, I was . . . they talked to me the 23rd in Court.

Q. All right, I am talking about a detective coming and interviewing you?

A. The detectives did not talk to me on the 26.

Q. And then on the 26 of March you were taken to the Sheriff's Department from this cell block, right?

A. Right.

Q. And Lieutenant Lowe and Sergeant Wheeler were there, right?

A. Yes.

Q. Were you advised of your rights at that time?

A. Yes, I was.

Q. And did you not sign People's Exhibit No. 3 under the acknowledgment and waiver that you understood your rights and that you would go ahead and speak and you didn't wish an attorney to be present?

A. Well, I didn't necessarily say I wished to speak. They just started asking questions.

Q. Did you sign this?

A. I signed it.

Q. Was it read to you?

A. Yes.

[83]

Q. Did you get a chance to read it?

A. Yes, I did.

Q. Does this sound familiar, I wish to answer questions or to make a statement without first consulting with a lawyer or to have a lawyer present during questioning, isn't that just what it says there where you signed?

A. I wished I had a lawyer, I mean I didn't know what to say or do without, that's the whole problem with when you are not under arrest. It's one problem and when you are under arrest it's a completely different situation.

Q. Well, explain this to the Court then, how come on January 1 you would not sign the acknowledgment of waiver, didn't you say because you didn't wish to say anything at that time even though you never made that known to Detective Rand yet on the 26 of March, you go ahead and sign the acknowledgment of waiver, didn't that indicate you did wish to speak if that's what you said is true concerning January 1?

A. Well again, the pressures are very different when you are under arrest then you don't think anywhere near the way at one time and you do under another situation.

Q. You heard Lientenant Lowe and Sergeant Wheeler testify did you not?

A. I did.

Q. Okay, did you in fact after you were advised of your rights tell them you asked for a Court appointed attorney as they [84] said?

A. Yes.

Q. And did they not then tell you as they testified, as that they asked you, do you wish an attorney present, either that attorney or any other present?

A. Yes, I needed an attorney.

Q. And did you not say no I will go ahead?

A. Well, I had to go ahead because —

Q. Did you say that, I will proceed without an attorney or words to that effect?

A. Well, I said I had to go without an attorney. I hadn't got an attorney.

Q. Did you say you would proceed without an attorney after they told you you could have an attorney?

A. I didn't have an attorney. I was in no position to force anybody to appoint an attorney.

Q. You could have remained silent, did you tell them at anytime I don't wish to talk to you, I don't have an attorney and I asked for one and I am not going to say anything?

A. That's what I should have done, but I didn't do that.

Q. You went ahead and talked with them?

A. I didn't have an attorney to advise me what to do.

Q. But you knew at that point you could have stopped and asked for your attorney to be present or some attorney to be present, knowing that you could get one even though you didn't have any [85] money and the Court will appoint one for you if they hadn't done so?

A. The Court said they would appoint one.

Q. Didn't you know at the time you had a right to have an attorney and could have remained silent hadn't you been instructed by Sergeant Wheeler of that fact just like you had been on numerous other occasions in the past by various police officers?

A. The situation is again completely different when you are under arrest and the Court said that they would



write on that paper and they would get me an attorney and an attorney would be appointed and an attorney was not appointed.

Q. Why didn't you ask Lieutenant Lowe where your attorney was? Here is your chance to talk with somebody that has official capacity to find out where the attorney was and you never said a word did you?

A. I asked him where the attorney was and he said he didn't know.

Q. Did you tell him you wanted to speak with your attorney?

A. How can I demand to speak with an attorney? I didn't have one.

Q. Did you demand to speak with any attorney or ask to speak with one?

A. I requested an attorney.

Q. You signed this acknowledgment of waiver and this has the same wording, I wish to answer questions or wish to make statements first without consulting with an attorney and without having a lawyer present during questioning. You [86] were advised of that by Sergeant Wheeler weren't you?

A. Well, I signed it because I —

Q. You went ahead and talked to them?

A. I didn't know.

Q. Did you, in fact, tell them the things you testified to?

A. But the fact I needed an attorney and the fact I didn't have one, how could I demand an attorney that I don't have?

Q. Looking at People's Exhibit No. 4 then were you also read your rights, you fully understand you have a right to remain silent and you need not talk to anybody or make any statements if you do and if you do they will be used in Court against you and I further understand that if I can't afford an attorney the Court will appoint one if I wish and that I may talk with him before I answer any questions or give any statement?

A. How can I talk to an attorney, I haven't got?

Q. Were you advised of that by Lieutenant Lowe?

A. No, he didn't.

Q. You don't remember him reading that to you from Form C, People's Exhibit 4?

A. He did not.

Q. Did you read any of this before you wrote on here?

A. No, I didn't.

Q. Now, Mr. Bladel, you strike me as being a careful person. You mean to tell me you were writing out on this piece of paper without reading the other words on here, is that what [87] happened?

A. I was very shook-up at the time. They had me so screwed up I didn't know what I was doing.

Q. Why was that, because they finally did confront you with some evidence you didn't know they had?

A. I don't believe they had any evidence but they had me completely shook-up I will say that.

Q. What shook you up, the fact that the gun had been located, and the form where you purchased that shotgun, serial number had also been located in Elkhart?

A. I don't know.

Q. You weren't threatened in any way?

A. Oh no, I was not threatened.

Q. Well, did you in fact write out the wording that is affixed to People's Exhibit 4?

A. Yes.

Q. That's your writing isn't it and that's your signature?

A. I was never there, they did not take my —

Q. Is this your writing?

A. Yes.

Q. And that's your signature?

A. Yes.

Q. And you are not taking that you intentionally lied to the police officer are you?

A. To begin with, that the men at the Jackson Police Department [88] had nothing to do with what happened at Niles and Elkhart.

Q. You knew that you didn't have to write anything out, however, before you wrote it out, whether it is true or not, you did not?

A. I did not necessarily know anything.

Q. You felt that you had to write something down?

A. Well, they — the pressure was there.

Q. What pressure was there? What pressure was it that these officers were exerting upon you specifically, lay it out for us?

A. Just the simple fact I was in jail.

Q. That's it? You were never made any promises by these officers?

A. No, no promises.

Q. You write this out, we will let you out of jail, they never said that to you?

A. No.

Q. How did you feel that the pressure would be eliminated then and in writing out this statement and giving an oral statement to Lieutenant Lowe and Sergeant Wheeler?

A. I did not know how the pressure would be relieved. They were not interested in me. They were interested in getting the confession under any circumstances because they don't have any evidence.

Q. Well, if you felt that way why did you then make a statement and giving an incriminating statement?

[89]

A. Well, I feel that way now. I didn't feel that way then.

Q. So, to sum it up then at all-times you knew what your rights were long before you got to Jackson on January 1, 1979, because of your prior contacts did you not,

you knew you could remain silent, you knew you had a right to have a Court appointed attorney if you couldn't afford one, right, you knew all of those things?

A. I had applied for a Court appointed attorney.

Q. Did you know all of those things before you got here?

A. Yes.

Q. And you were advised of all of these rights with one exception that being you say you were not read that paragraph?

A. I was not, no.

Q. Every other time you were advised of your rights?

A. They filled that page in after I filled it out.

Q. You mean they filled in the typed portion after you wrote your statement?

A. No, the part that they filled in.

Q. With their signatures?

A. Yes.

Q. All the other times you were advised of your rights even though you knew them, and they were again reiterated, and time after time advised of your rights according to the forms and orally?

A. Yes.

Q. And you knew you had a right to an attorney at all-times if [90] you wished one and if you could not afford one and if you wanted to stop talking to them at anytime you could if you wished?

A. I could stop talking but they just didn't, I didn't—

Q. I am asking you if you knew you had that right?

A. I knew I had that right, yes.

MR. GRANT: Okay, I have nothing further.

THE COURT: Any redirect?

MR. WILLIAMS: Just a few questions, Your Honor.

### REDIRECT EXAMINATION

BY MR. WILLIAMS

Q. Mr. Bladel you have stated several times that one time you were under arrest and the other time you weren't, are you referring to the January, you considered you weren't under arrest at that time?

A. I wasn't charged with anything, I wasn't there, there was no actual charges against me. I knew I was under arrest, but—

Q. You just weren't charged?

A. Right.

Q. And at that time?

A. The pressures were not as great.

Q. Weren't you concerned with having an attorney at all at that time?

[91]

A. No, there was no—I didn't see where I had to have to defend myself against anything.

Q. Now, when you were arrested did anyone come to the cell and ask you if you wanted to come out and talk to the detectives?



A. When is this?

Q. Whenever you were arrested and they bring you out for questioning did they come to the cell and ask you, do you want to talk to the detectives?

A. No, they just start talking and that's it, they take you out and say come on lets go. And then I have to take it from there.

Q. And they usher you wherever they want you to go and start talking, is that correct?

A. Right.

Q. They don't ask you in the cell if you want to talk to a detective do they?

A. No, no.

Q. Did you call for the detectives on the 26th of March, did you request them to come and talk to you?

A. I never requested them.

Q. But you did continually ask the guard as you said where was your attorney, is that correct?

A. Yes, sir.

Q. Did anybody explain to you the method of receiving an attorney?

A. I personally thought I was never going to get one. I just had [92] no idea if I was going to get one or what.

Q. Now, when you were read these rights as you just finished reading the rights, did you understand these rights at the time that you were reading them or had them read to you, did you understand them?

A. Well, I understood them to a certain degree. Nobody explained them to me at all, but to a reasonable degree, yes.

Q. In other words they just read it off to you, is that correct?

A. Yes.

Q. Did you understand what you were doing when you waived the rights, when you signed your name or were you told just to sign your name here?

A. Well, you just sign them.

Q. Did you understand what you were doing when you waived the rights?

A. The problem with waiving rights is you don't get it explained by somebody on your side explaining it. Like a lawyer. The Police Department is not certainly a defendant's representative.

Q. Did you at any time feel somewhat coerced while you were being given your rights and asked these questions?

A. Well, there is the mere fact that you are in under investigation and you can't just get up and leave. You got to stay right there is a slight bit of coercion and pressure.

Q. After they got to your cell did you feel at any time on the way to the interrogating room that you could turn around and [93] walk back to your cell?

A. No oh no, you could never do that. You have to go in there with them.

Q. Well, once you are in there, did you understand that you had the right to get up and go back to your cell?

A. No, I didn't understand that at all. I thought, I don't know, I could ever just get up and leave.

Q. How many people did you ask and inquire as to whether your attorney was and where he was and how many people in your mind that you can recall?

A. Oh, this was done on Saturday and it was done on Monday and it was done at least twice.

Q. You were asked the guard from where your attorney was?

A. And then I asked the Police Department where my attorney was.

Q. And they just stated they didn't know?

A. Didn't know, had no idea.

Q. Did anybody ever tell you that they would check to find out if you had attorney?

A. Oh no, no they never said anything. They never mentioned any representation for me at all.

Q. Did anyone with authority tell you they would do the checking and get your attorney there?

A. No, even the Police Department made no attempt to say well, we will check for you or something. They never did anything.

Q. Did Lieutenant Lowe tell you on the 26th since you hadn't [94] seen an attorney yet that he would check it out for you?

A. That's what I mean, he didn't make any attempt to check on anything or get an attorney or whatever.

Q. Now, when the question was going on and stated that somebody was shouting to you, the Prosecutor was shouting at you, how many people were shouting at you?

A. Two of them.

Q. This was at the same time or did one shout and the other shout?

A. Well, they weren't actually shouting but they kept on with a very loud voice.

Q. I see, and so that at that time you were expected to be calm?

A. Well —

Q. But you were calm?

A. How do I look now? Am I calm? How calm can you be under any kind of pressure?

THE COURT: Were you calm then?

THE WITNESS: I would say I was as calm then as I am now.

THE COURT: All right, that answers your question. Go ahead.

MR. WILLIAMS: I have nothing further.

MR. GRANT: I have no further questions.

THE COURT: You may step down. Anything [95] further Mr. Williams?

MR. WILLIAMS: Nothing further, Your Honor.

THE COURT: Mr. Grant anything further?

MR. GRANT: I have nothing further. I am assuming the Court can take judicial notice of the Record and

the Court appointment that is in the Court file. I am assuming that probably Mr. Williams would not want that done so there is no question and I am I guess, I can stipulate that that can be done and that's all in the file with the Circuit Court in our county.

THE COURT: Any further remarks Mr. Williams?

MR. WILLIAMS: Your Honor, we just in final comment we did file a brief and without going into the brief itself we would just submit to the Court at this time that even though we have a waiver of rights here, we have a man that got us to what his background of it was and how many times he was arrested. He did not know the procedure to be taken and that the man felt that he had asked for an attorney on the 23rd and all he knows is the days went by and he didn't receive an attorney. So, we feel at that point he was denied his rights and we further submit to the Court that when the prosecution or the police authorities had a line up, where they arrest a man at 9, 10 o'clock in the daytime [96] and they need a Court appointed attorney to represent him, a phone call from the Court Administrator has one member of a firm at the jail by 1 o'clock and just a phone call can do that and the brevity of this case should have required that at such time as the attorney was appointed, the same Court Administrator could have and should have called one of the firms that handled indigent cases. The testimony has shown the Court that the man didn't see his attorney until the 27th and that is some four days after this Court appointed the firm of Adams, Goler, and Williams to represent this defendant.

[37]

Certainly, he felt that he didn't know his rights and there was no one to explain his rights to him and so that

after he was arrested he is wondering (sic) around in a world that is set up and made for attorneys to handle and we expect a common lay person to know that he has rights here and he has rights there and he is handed a form quickly and it is quickly read and he is told to sign the form. Sometimes he doesn't sign. We submit at this time that there was no or nothing understandingly, there was nothing knowingly done by this man. Only, that he had had this attorney, this would be unnecessary today. If he had had his attorney or if the attorney had been informed then this whole thing would not be necessary.

THE COURT: Do you have any case to the effect that in a Court request for a Court appointed counsel nullifies any waivers of presence of counsel at any police interrogation made thereafter.

MR. WILLIAMS: Your Honor, we basically go to the Miranda.

THE COURT: Well, I don't think the Miranda specifically answers that question.

MR. WILLIAMS: And then right after that Miranda we have the *U. S. versus Kingsman* at 5 42nd at 1017 and there is where the Court said that they do recognize that there is the different assertion of the right to remain silent and an assertion of the desire to consult with his [98] counsel and an indication of a desire to consult with counsel does reveal that the accused feels somewhat incompetent to deal with the police without prior legal advice and this does not require per se perclusion of a renewed interrogation, but rather necessitates a more careful scrutiny of the individual's last choice to waive his rights and speak to the authorities.



THE COURT: Yes, I have read that, but what we have here is a request for Court appointed counsel made in the courtroom. Now, I assume that it does not involve that kind of request for counsel and what they are referring to is request of counsel made at the time of interrogation. Now, does the request for appointment of counsel in a court proceedings carry over and nullify then any request for counsel at the time of the interrogation or nullify the waiver?

MR. WILLIAMS: Your Honor, we submit to the Court at this time that at the time that the man asked for a counsel after I explained that he was indigent and it was explained to counsel that counsel could be provided for him that certainly because there was such a time lag between the time that the lieutenant and sergeant talked to him.

THE COURT: I realize that, but can you answer my question. Do you have a case that said that that request in Court carries over and nullifies any waiver of [99] counsel at a subsequent police interrogation just because he asked for counsel in Court?

MR. WILLIAMS: Your Honor, we have a case that says that the authorities should have been diligent in seeing that this man receive counsel.

THE COURT: Because he had asked for it back in Court?

MR. WILLIAMS: They should have been diligent in getting an attorney.

THE COURT: And waived it at the time of interrogation?

MR. WILLIAMS: Yes, Your Honor.

THE COURT: Then they should still get him an attorney?

MR. WILLIAMS: That was the basic question that he stated after they read his rights to him. I've requested for an attorney but everybody ignored this man and just proceeded to question him anyhow.

THE COURT: I understand the facts. I understand the testimony. I just want to know if you have got a case on point?

MR. WILLIAMS: We just say the same one we submitted that that was a critical stage of the proceedings and this was brought out by —

THE COURT: I have read your brief also.

[100]

MR. WILLIAMS: Well, we submit on the brief then, Your Honor, because what we put in the brief is what we brought forward to the Court.

THE COURT: Anything Mr. Grant?

MR. GRANT: Yes, I just received the brief. I have read it. I do have some cases. I would site to the Court and this is not the first time we have been down this type of road in Michigan. And, as a matter of fact it is not the first time down the road in this Court. Similar situations and similar Walker hearings. I site today the case of Moore found out of 51 Michigan Appeals 48 a 1974 case which deals with a somewhat similar case where the defendant made three statements after he had hired or gotten a Court appointed attorney, after at least the first one being very similar to the situation here, that being that he had an attorney. And everybody knew that he

had an attorney. I believe he had hired an attorney in this case and an officer still went and spoke with him after advising him of his rights and of course he was then convicted also and he appealed on that basis. Similar to the issue that appears here, and at that time had at page 50 of the decision of *People versus Moore* and I quote, "The Court rejected his argument concerning his statements and that they should not be used because they had an attorney and an attorney was never notified and I quote defendant contends the Court errored [101] in admitting three post arrest statements to the policemen." The primary objection is based upon the fact that each time the statement was made his Court appointed attorney was not present or consulted before the statements were given. Before giving the first statement the defendant was read his Miranda rights and this is after a Court appointed attorney. Thereafter, he told the officers he was framed but refused to name the person involved without counsel. Questioning ceased. Now, thereafter he requested a conference with the police captain and he made another statement. That's because—that would be voluntary. What we are concerned with is the—he was advised of his Miranda and he waived those rights even though he had a Court appointed attorney and even apparently still waived his rights and wished to make a statement. That statement was used against him and the Court then continues on the fourth paragraph down and the defendant may make statements without the presence of an attorney under certain circumstances. In the first statement he was read his rights and then made the statement according to Miranda, the statement is admissible and then they go into the second statement and that is similar to what they have here as long as he has

been properly advised of his rights he understood and knowingly and knowledgeably waives those rights. Those statements are good under this case as well as the next couple of cases I will cite. We have somewhat of a similar [102] situation in *People versus Sparks*. Although, there is not a Court appointed attorney, the defendant said he didn't want to make a statement. An hour and a half later he was advised of his rights again and he originally said he would make no statement. He wants an attorney on the ride to the city which took approximately an hour and a half, and the detectives after waiting an hour again advised him of his rights and at that time he said he understood and would make a statement, and he made a statement, and that was used against him. Again, in a murder trial in Court and it was appealed. The decision in that case is very similar to what we have here. He was properly advised of his rights and that he can knowingly make a waiver and as long as knowledgeably it is done at a later time, as long as it is not in a matter of moments, but sometime after he originally made his request. The Court said in *Sparks* concerning that request for counsel and I quote "The immediate, the instant passage can't be read as permitting resumption of this interrogation after a momentary reprieve for that would be violence of handling requiring interrogation to ask questions until an attorney is present." However, passage may be read in later interrogations after a significant period of time to hold that the counsel's right then never being knowingly and intelligently, after having arrived, and asserted would tend to deny defendant's right to speak without the aid of counsel.

[103]

And, we therefore, hold that when a person asserts his right to counsel the interrogation must cease until the



attorney is present or after the lapse of a significant period of time the person knowingly and intelligently waives his counsel's rights. And they also cite then in File 44 Federal Supplement, Federal Second 353, pages 367 to 368. While that is not exactly the same circumstances we are talking about, the same situation, it's not a matter of him being constantly in question and being interrogated, and we have a matter of days intervening before Lieutenant Lowe goes over and speaks to the defendant. Also with Sergeant Wheeler, and after properly advising of his rights not only the original acknowledgment and waiver of the Miranda rights which is signed at that time by Mr. Bladel, but also the second sheet when he does affix his own writing in a written statement and there is an acknowledgment on there. The officer's testified that he was again advised of that right, including all of the Miranda warnings within a paragraph and he went ahead and made a written statement.

The defendant says he was never told that, but he acknowledges that he is well aware of all of his Miranda warnings from prior contact even before he came into custody of the City of Jackson Police Department on January 1, so none of these things are surprising to him. He just gives reasons why he feels that this should not stand up.

[104]

I submit to the Court that quite clearly there has been a proper advisement of Miranda warnings in all circumstances and in particularly on March 2, he was properly advised. He was asked questions not as Mr. Williams would have them believe. We ran through the testimony from the officers and that is they asked him

at the end of each statement, do you understand and he says, yes or yeah, or some words affirmatively, and when we get to the last one and the testimony is do you understand if you want an attorney present you may have one and do you want an attorney and while we speak to you and he said, "No, I don't need an attorney, I will go ahead." And later on, he said in a written statement, and I will plead guilty and although he knew what he was doing at that time, and knew the questioning would have ceased. And in the U.S. Supreme Court Case, Your Honor, of *Brewer versus Williams* found at 430 U.S. 387, I have the law cite which is 51 Law Addition, 2nd page 424 and I am going to quote from page 439 concerning an intelligent waiver after there has been an appointment of counsel or hired counsel and the Court says at the top of column 2 or 439 and I quote, "This Court states, an accused can voluntarily, knowingly and intelligently waive his right to have counsel present. After counsel has been appointed prosecution, however, has the waiting obligation to show that the waiver was knowingly and intelligently made."

We quite agree with Judge Hanson that the [105] state here failed to do so. And they say and cite 509, Federal 2nd at page 233, which I believe is the Federal case. I cited to the circumstances, the factual circumstances that are different and that case got overturned and obviously the situation is where there is a Court appointed attorney and the burden is on the prosecutor to show that there was an acknowledgment and a knowing waiver of the rights and that's exactly what we contend here and in fact, Lieutenant Lowe and Sergeant Wheeler notified the defendant of his rights. He knew what they were anyway. He didn't need it told to him all the time.



Nevertheless, we go through all of the rights, each one in turn and he answers he understands it. He answers he doesn't want an attorney present. He goes ahead then and talks with them and he even in this case signs acknowledgment and waiver but it's a little — he says he didn't sign it. I guess the next logical conclusion if he is going to go ahead and at that, if he wants to say something even if we accept his testimony he makes a statement he then signs another acknowledgment and writes out a written statement and our contention is quite clearly we have shown that he was knowingly making a waiver and he was properly advised of his rights and there is nothing more than that, that could have been done to make known to him what his rights were and he apparently understood them from the testimony. He certainly appeared to understand what was going on at the time and you recall the testimony from the [106] officers he didn't just blurt out, he would sit back and think and then as in answering the questions or any of the questions he gave to the counsel.

It is our contention we have met the burden laid upon us by the Supreme Court and in fact all of the statements are admissible under the various cases and rulings that have been laid down. Thank you.

THE COURT: Any reply Mr. Williams?

MR. WILLIAMS: Just briefly, Your Honor. The interpretation from when a defendant knowingly waives his rights, he has through the Miranda I think when counsel is appointed we take this to mean that the counsel was appointed. The counsel has knowledge, he was appointed and that counsel has an opportunity, whether he did it or not but has had the opportunity to see the client and in

this case there was no connection just in an appointment on the 23rd and the defendant or the attorney knew anything about each other or when they were going to defend and I think this takes it totally out of line of all cases. Of all cases, and perhaps it may be that it will end up being a landmark case, but in this case we are just stating that although counsel was appointed on the 23rd, counsel had no knowledge nor did the defendant. The defendant testified that even on the 26th he didn't know whether he had an attorney and neither did the police officers. All he knew is that he had requested an attorney and no one [107] had any information for him and neither had the attorney. I would make the interpretation that when they say counsel is appointed that there is some knowledge by the appointed counsel that he has been appointed. Not just a piece of paper that says you are appointed. The knowledge to the attorney or the knowledge to the defendant should make a difference as in this case in front of the Bench now. The difference being is no one knew of the appointment. No one knew of the appointment. And, we are asking a man that has been sitting in jail not knowing anything, that he is pulled out on the 5th day or 6th day of his arrest, 5th day of the arrest or 4th day of the arrest and shipped down and told again; okay, here is your rights; and first thing he asks for is his attorney and no one knows anything about it. No one knows one thing about the attorney. The defendant doesn't know anything about being appointed and neither does the attorney have any knowledge that he was appointed. There has been no connection between this defendant and his attorney and then we are saying because counsel was appointed then that means an appointment can be held up until they

talk to this man two or three weeks, until they get what they want and then send an attorney in.

THE COURT: All right, thank you. Well, as to the interrogation of January 1, 1979, the Court finds that the prosecution has borne the burden of showing that that was a voluntary statement such as it was based upon the proper [108] advice of the defendant or to the defendant of his Miranda rights and that he knowingly and voluntarily, orally waived them. And, the same applies as to the statement interrogation of January 2, 1979.

As to the statements and confessions of March 26, 1979, the Court also finds that the rights were properly given to the defendant and that he knowingly waived them after acknowledging that he understood them.

Now, I understand the position of the defendant to the effect that he did demand counsel on March 23rd at his arraignment in District Court. Now whether or not counsel was appointed by March 26th, incidently, March 23rd, 1979 was a Friday and March 26th, 1979 was a Monday. And, whether or not counsel had been appointed and had an opportunity to consult with the defendant before the interrogation does affect the voluntariness and the affectiveness of the waiver of the rights.

Now, I don't know of any case why counsel had been appointed but hadn't had a chance to consult with the defendant before he was again interrogated and didn't have a chance to either advise the defendant that he shouldn't say anything or that he should not say anything without the presence of counsel. But, there is no case that I know of that says Miranda goes that far and so the holding is that the testimony or the substance of the statements of

all [109] three occasions and the confessions will be admissible.

MR. GRANT: Would that also be true of March 22 when Detective Rand spoke with the defendant after he had been brought back to Elkhart and made allegations that he had thrown the gun away sometime ago? There is only three sheets.

THE COURT: Yes, that's right.

MR. GRANT: There is a waiver?

THE COURT: There is no waiver for the second of January.

MR. GRANT: That's right.

THE COURT: Yes, the one on the 22nd would also be admissible.

MR. GRANT: Thank you, sir.

THE COURT: The 22nd of March.

MR. GRANT: We also at this time take up the motion I filed for fingerprint impression for we have some fingerprints that have been located on the murder weapon and his finger types were not taken as type prints and they are generally not taken when a person is printed. I have notified defense counsel that is possibly exculpatory which I contend we have a right to do this since this is the physical evidence. I have filed this motion and we don't want to go into abusing them, so, we are asking that his finger types be taken by the Court and sent to the Department [110] of State Police Laboratory in Lansing.

THE COURT: Any objection Mr. Williams?

MR. WILLIAMS: No objection.

**THE COURT:** Yes, that may be done.

**MR. GRANT:** Thank you.

(WHEREUPON, THIS MATTER WAS CON-  
CLUDED AT 12:00 P.M.)

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[111]

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF JACKSON )

I, Barbara A. Bostrom, Acting Official Court Reporter, do hereby certify that I reported the foregoing proceedings, held before Judge Noble, on 2July 5, 1979, and that the proceedings is a full, accurate, and correct record of my stenotype notes.

/s/ BARBARA A. BOSTROM  
Barbara A. Bostrom

June 8, 1980  
Mason, Michigan

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